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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Most holy and gracious God, who turns the shadow of night into morning, thank You for the gift of this new day. As we work for You and country, let the light of Your countenance shine upon our lawmakers, calming their troubled thoughts and guiding their feet in the way of peace. Lord, give them the ability to see the small things that need their attention and the courage to see the things that are not and ask "Why not"? Turn their minds and hands to the tasks that bring glory to Your Name, and may their words and thoughts be acceptable to You. May the knowledge of Your blessings to our Nation awaken in them a deeper commitment to You.

We pray in Your wonderful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 25, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. UDALL thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leaders' remarks, we are going to have morning business for up to 1 hour. The first 30 minutes will be controlled by the Democrats and the Republicans will control the second 30 minutes. During that time, Senators will be allowed to speak therein for up to 10 minutes each.

Following morning business, we will proceed to, once again, take up the National Service Reauthorization Act, H.R. 1388. At noon, we are going to vote on the confirmation of David Kris to be Assistant Attorney General. We have a special Democratic caucus from 12:30 to 2 p.m. today. The President will be at that caucus. After the caucus, the Senate will resume consideration of the national service legislation. Rollcall votes are expected to occur throughout the afternoon. We are not going to be in recess from 12:30 to 2 p.m.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, we will be in recess from 12:30 until 2 p.m. I said

that we would not be, but there is already an order to that effect. I wanted to explain that.

### RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### AMBASSADOR RYAN CROCKER

Mr. McCONNELL. Mr. President, it is appropriate for us to honor, from time to time, outstanding public servants whose work on behalf of the American people might otherwise be overlooked.

Next week, Ambassador Ryan Crocker will return home to Washington State after a remarkable career promoting America's interests abroad. In a career spanning nearly 40 years, Ambassador Crocker has represented the United States in some of the most challenging environments. So it is fitting that we pause to honor him for a job well done.

A graduate of Whitman College in Washington, Ryan Crocker joined the Foreign Service in 1971, beginning a career that would take him to diplomatic posts in Iran, Qatar, Egypt, Lebanon, and Iraq. Ambassador Crocker served as Ambassador to Syria, Kuwait, Lebanon, Pakistan, and, most recently, Iraq. Clearly, he has not shied away from a challenge. And he has excelled at every one.

Earlier in his career, Ambassador Crocker served in Lebanon during the Israeli invasion of 1982 and the bombing of the U.S. Marine barracks in 1983—experiences from which he would later draw important lessons while serving in Iraq, particularly in 2007, when Shia militias and Sunni insurgents fed sectarian tensions and tribal feuds.

Ambassador Crocker's career spanned the entire Middle East and recent U.S. history. But he will undoubtedly be remembered most for his service in Iraq.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Success in Iraq was never ensured, but it was made far more likely by the presence of Ryan Crocker. As Ambassador from March 2007 to February 2009, he was instrumental in carrying out the diplomatic tasks required to implement the counterinsurgency strategy, and to successfully defend that strategy before a skeptical Congress. He also carried out the negotiation that produced the Status of Forces Agreement, and he helped Iraqis through provincial elections. In all this, Ambassador Crocker forged a strong partnership with GEN David Petraeus that protected our Nation's interests in Iraq at a moment of peril.

Ryan Crocker has served his Nation with honor, and our country owes him a debt. He is a diplomat's diplomat, the best of the best, and a tribute to the State Department that he has served. He is also a very fine man, and I wish him well in retirement and the best of luck in the future. Ambassador Crocker may be leaving the stage, but his service to our Nation will not be forgotten.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. BOXER. Mr. President, what is the order?

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

The Senator from California is recognized.

#### THE BUDGET

Mrs. BOXER. I came to the floor to talk about the budget debate. I think it is very important that we let the American people know where we are on the budget and what this debate is really all about.

We have a new President and we have a new budget, thank goodness. We have a budget that reflects the hopes and dreams of the American people. We have a budget that is going to cut the deficit in half by the time this President's term is over. We have a budget that is absolutely open in terms of the way it spends our money and the way it saves our money.

It is important that we take a look at the type of economy this young

President inherited: Record deficits. Record deficits that President George W. Bush's own party supported. It is very important that we remember that when George W. Bush got the key to the Oval Office, we had surpluses. Then we saw a 50-percent increase in spending. We saw a debt that was about to be put away go up in major proportions. We are seeing the playing out of the worst recession since the Great Depression, a financial market in crisis, and a housing market in crisis because of the deregulation that was the centerpiece of George W. Bush's and the Republicans' leadership.

We are paying the price of those years today. We have a young President who came into office and said: Be patient, we are going to change the way we do business in this country. And we are going to do that. We started with the stimulus bill that got not one Republican vote on the House side, although some of my Republican friends over there are running around my State taking credit for the bill they voted against. We had three Republicans over here, whom I praise mightily for having the courage to do the right thing and get this economy back on track.

We have seen the loss of 3.3 million jobs in the last 6 months. The President is dealing with two ongoing wars that, by the way, were never paid for in the budget. They were taken off the budget. He now puts them in the budget so that the American people can see the truth. President Bush put them in emergency spending even though we knew he needed to fund them.

What we have in the President's budget is a refreshing change of reality, honesty, integrity, and investments that have to be made. What are we getting from our Republican friends? We are getting just what we got when the Clinton budget passed without one Republican vote. I want to take us back to that because I think it is very interesting, intriguing, and enlightening to see what our Republican friends said about the last Democratic President's budget. You would have thought the sky was falling. You would have thought the universe would never survive. I have some of the quotes they made about the Clinton budgets.

If people will remember, Al Gore, as Vice President, had to come over here and cast the tie-breaking vote on that budget. Here is what happened as a result of that budget; we will talk about that first. As a result of the Clinton budget, we saw 23 million new jobs created in this country—not millions of jobs lost but 23 million jobs created. What happened to the deficit under the Clinton budget? It went down, down, down, and we wound up with a surplus. We voted for the Clinton budget, the first Democratic budget in a while, and what happened? Twenty-three million new jobs were created and the budget was in balance.

As a matter of fact, George W. Bush, when he took the keys to the Oval Of-

fice, had a surplus. What happened with the Republican rule? Deficits as far as the eye can see. These are the facts. This isn't rhetoric—debt of \$10 trillion, \$11 trillion.

Let's look at what the Republicans said about the Clinton budget that we know, because time has passed, history has shown, created 23 million jobs, stopped the deficits, turned them into surpluses, and got the debt going on the way down. What did our Republican friends say then?

Wayne Allard said then as a Representative:

In summary, the plan has a fatal flaw—it does not reduce the deficit.

Wrong. Wrong. Wayne Allard continued:

So we are still going to pile up some more debt, but most of all, we are going to cost jobs in this country.

That is what Republican Wayne Allard said about the Clinton budget—“. . . we are still going to pile up some more debt, but most of all, we are going to cost jobs. . . .” Wrong—23 million jobs created.

Senator Pete Domenici said of the Clinton budget that created 23 million jobs and turned the deficit into a surplus:

It's just a mockery.

Our friend, Senator ORRIN HATCH, a leader of the Republicans, still here and going strong, I am happy to say, he is my friend—he said:

Make no mistake, these higher rates will cost jobs.

Talking about the Clinton budget and the taxes in it.

Make no mistake, these higher rates will cost jobs.

Wrong—23 million jobs created.

How about Senator Phil Gramm, one of the leaders of the Republicans in the Senate at the time of the Clinton budget that created 23 million jobs, took the deficit, turned it into surplus, what did he say?

I want to predict here tonight that if we adopt this bill, the American economy is going to get weaker and not stronger, the deficit 4 years from today will be higher than it is today and not lower. . . . When all is said and done, people will pay more taxes, the economy will create fewer jobs, Government will spend more money, and the American people will be worse off.

Wrong. Phil Gramm was wrong. Oh, Phil Gramm, he is the one who said this recession was in our minds.

Here is another quote of Phil Gramm—remember, he was a leader of the Republicans then—talking about the Clinton budget that created 23 million jobs and cut our deficit and turned it into a surplus:

. . . [T]his program is going to make the economy weaker. . . . Hundreds of thousands of people are going to lose their jobs as a result of this program.

Guess what he also said:

I believe that hundreds of thousands of people are going to lose their jobs as a result of this program. I believe that Bill Clinton will be one of those people.

Bill Clinton got reelected and the economy created 23 million jobs, the

deficits went down, we had a surplus, and the debt was almost eviscerated.

What did our good friend CHUCK GRASSLEY say? CHUCK GRASSLEY is our good friend. He has taken a lead against this budget document. He is one of the leaders against the Obama budget. Let's see what he said about the Clinton budget that created 23 million new jobs and cut the deficits, turned them into surpluses, and had the debt going down, one of the most prosperous times in our history as a result of the Clinton budget. What did CHUCK GRASSLEY say?

I really do not think it takes a rocket scientist to know this bill will cost jobs.

Wrong.

Connie Mack, another leader, a friend of mine, now retired, a Republican leader—this is what he said about the Clinton budget:

This bill will cost America jobs, no doubt about it.

Bill Roth said:

It will flatten the economy. . . . I am concerned what it will do to jobs. I am concerned what it will do to our families, our communities, to our children's future.

Senator Roth was wrong—23 million jobs created, one of the most prosperous times in our Nation's history, deficits went down, debt on the way out.

So our Republicans have a visceral reaction when there is a Democratic President. They come and they exco-riate our Democratic President, and they are wrong. They are wrong. Look at the record. This is the beauty of what I am saying. I do not have to defend it. I know what they said, and I know what happened to the economy.

Newt Gingrich—still a major leader in the Republican Party, some people say the leader—about the Democratic President's budget, Bill Clinton: "It will kill jobs." Wrong. It will "lead to a recession, and the recession will force people off of work and onto unemployment and will . . . increase the deficit." Wrong.

John Kasich—we have seen him on television a lot. He was a leader then in the Republican Party. This is what he said about Bill Clinton's budget, not dissimilar to the Barak Obama budget in the sense that it is a plan to cut the deficit and make investments—make good investments. This is what he said:

This plan will not work. If it was to work, I'd have to become a Democrat . . .

John, if you are watching me, it is your time because the plan worked—23 million jobs. You didn't become a Democrat. You said you would.

Peter King—what did Peter King say about the Clinton budget that created 23 million jobs and cured the deficit problem?

[I]t is because of budgets such as this that the economy is going to be damaged.

Wrong. Wrong.

Flash forward. We know what happened under Bill Clinton. We know about the 23 million jobs. We know what happened to the debt. It went

down. We know what happened to the deficits. They turned into surpluses. George W. Bush takes the White House, the Republicans take over, and what happened? The worst recession since the Great Depression, terrible loss of jobs, deficits record high, which they never complained about, debt record high. We get a new President who comes in and says: I have a plan to turn it all around. What do they do? They come down to the floor with the same old politics.

If I gave you the quotes I am hearing of my colleagues—Senator SHELBY is all over, they are all over the place—disaster, Armageddon, the world is ending, we are going to lose jobs, we are going to have deficits as far as the eye can see; what a nightmare. It is the same old politics and, by the way, the same old policies, which is tax breaks for the wealthiest among us, shorting the investments that the people of this country need, not tackling health care, not tackling energy, not tackling education—all the things this President wants—not tackling the deficits, and we have to know they got us into this crisis.

I do not enjoy reiterating all of this because it brings back some fights I was in. But I am going to do it every day as long as I hear the same rhetoric, the same politics, the same policies that got us into this mess in the first place.

The American people had a choice in November. They had a choice in Senate races, they had a choice in House races, they had a choice in the Presidential race. Did they want the same old politics, did they want the same old policies that got us into the crisis? Guess what they said. They wanted change, and they are getting change. We have the same rhetoric flowing from my friends on the other side of the aisle. I thought they were going to change the image of their party. I thought they were going to change the message of their party. It is the same old stuff. You could substitute a name for a name. It is the same thing they are saying about the Barak Obama budget that they said about the Clinton budget, and it doesn't fly because our new President understands we have to make some changes. He understands we need to invest in America's future, in jobs, in health care, in energy independence, and in education.

We know the deficit predictions are different coming out of the Congressional Budget Office than they are coming out of the White House office. Everybody knows we are going to adjust this budget here and there to make sure the numbers reflect reality. This President understands that. I watched him at his press conference. He said: What I care about is jobs, health care, energy independence, education, and deficit reduction, he added. That is a major focus of his agenda. He says: As long as I get jobs, health care, energy independence, education, and deficit reduction, I am a happy person.

The President is coming today to the Hill to meet with us. I am very much anticipating his presentation.

We know what this President inherited. We know the fiscal mismanagement. We know the misplaced priorities. We know, we know, we know. The American people understand that is why this President, despite getting pounded day after day on this floor, on the airwaves, and on conservative talk shows, is still maintaining a strong majority of Americans who say: Give this man a chance.

Who else in history inherited two wars and the biggest economic nightmare since the Great Depression? Nobody. The wars were not of his making, and the economic mess is not of his making. He is addressing them. He addressed it in the stimulus package that is going to start to pay off for us.

It is tough times, but he is doing what has to be done. He went forward and he said: You know what, I have a plan to get these banks on their feet. He was honest. He said: I have bad choices and worst choices.

If there is a tragedy in our families and we find out one of our loved ones has cancer and the doctor comes to us and says: There are two treatments. There is a tough chemotherapy treatment and there is a tough radiation treatment. You have to pick between those two treatments to cure this cancer. It is a hard choice. Our President faces very hard choices when it comes to straightening out this mess. But the American people want him to try and try he is.

If we can get these bad assets off the hands of these banks and get them lending again, we basically save the financial system. If we don't save the financial system, we are going to have to take it over. This President does not want to do that and I do not want to do that and I do not think most Americans want that. So he is doing what it takes.

The housing crisis—I am so happy to hear people are refinancing. It is very important. That is going to put more money in the pockets of people. It is going to make it more affordable for them to stay in their homes.

Our President has a budget blueprint to get us out of this mess. We all know he is not going to get every line in there he wants. He knows that. Senator CONRAD is working with him. We will have a reserve fund in there for the things we want to do for health care and energy, and I am going to work very hard so we can, in fact, have a cap-and-trade system that brings funding in and puts people to work, it gets us off dirty energy. We will have the ability to do that. The point is, this President deserves to have his priorities in place.

I wish to say in closing to my Republican friends: Go back a few years in time. See how wrong you were. Admit that you were wrong. Then go back and see what you said about the Bush budget. I didn't get a chance to go through

those quotes. I will do that the next time I take the floor. When the Bush budget came down and we saw what happened with the Bush budgets, they were adopted by Republicans, and they received lots of votes from their side, unanimous. All we had out of that was unemployment and deficits. They said: Oh, this is going to be a great budget. They are wrong. They have been wrong—wrong on the Clinton budget, wrong on the Bush budget, and now they are wrong on the Obama budget.

As one Senator, I wish to say this: I never forget. I forgive all the time, but I never forget. I have these quotes. They are real. They are in the RECORD. I am going to bring them out constantly.

Remember, when you hear these Republicans come out and trash Barak Obama's budget, it is the same thing they did to the Clinton budget and they were wrong—wrong then and they are wrong now.

We have to give this President the support he needs. Not that we are going to give every line—I don't agree with every line in it—but basically the thrust of what he wants, the investments and the deficit reduction.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### APPROPRIATIONS PROCESS

Mr. CORKER. Mr. President, I rise today to talk about the appropriations process we conduct here in the Senate, and have come here, as you have, in the not too distant past and been absolutely amazed by the lack of fiscal discipline that exists here in Washington. I know the Presiding Officer probably shares some of my views about the way we go through the appropriations process and the fact that at the end of the year, on many occasions, we end up with a large omnibus bill that does not give the American public, certainly not Senators and House Members, the ability to actually go through this process in a thoughtful way that respects the fact that these are our citizens' resources which we tend to bulk together in a way that it is not transparent.

Our President, on March 11—and I agree with him very much on this—said that future spending bills should be debated and voted on in an orderly way and sent to his desk without delay or obstruction so we don't face another massive last-minute omnibus bill like this one—and he was talking about the bill that we passed. I could not agree more with the President in that regard. I think what we have seen is that we have not had the ability to examine

the thousands of earmarks that are placed in these bills. We have not had a process that is transparent. In an effort to aid this process in such a manner that we do have some degree of fiscal discipline in this body, 41 Republican Senators have signed a letter which states that we believe that by the August recess at least eight appropriations bills should be voted on in singular fashion—eight single bills by the August recess.

This body has on many occasions taken up each appropriations bill by itself, fully debated it, discussed the earmarks, discussed the things that cause these bills not to be appropriate, had amendments, and passed these bills out of the Senate. So these 41 Republicans stand together urging the leader of the Senate, urging the Appropriations Committee to follow this best way of doing business, and that is to vote on these bills individually. Obviously, we hope this occurs. And certainly as part of the Senate process, in the event that we are not able to meet those objectives, we will avail ourselves of all appropriate procedural methods to ensure that is the case.

Mr. President, I thank you for the time this morning, and I ask unanimous consent to have printed in the RECORD the letter signed by all 41 Republican Senators.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, March 24, 2009.

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.

DEAR MAJORITY LEADER REID: As you develop the legislative calendar for the rest of this fiscal year we believe it is critical to allocate an appropriate amount of time for the Senate to consider, vote and initiate the conference process on each of the twelve appropriations bills independently through a deliberative and transparent process on the Senate floor.

For a variety of reasons, over the past several years, the Senate has failed to debate, amend and pass each of the bills separately prior to the end of the fiscal year. Far too often this has resulted in the creation of omnibus appropriations bills that have been brought to the floor so late in the fiscal year that Senators have been forced to either pass a continuing resolution, shut down government or consider an omnibus bill. These omnibus bills have not allowed for adequate public review and have clouded what should otherwise be a transparent process. As our President said on March 11, 2009, he expects future spending bills to be, "... debated and voted on in an orderly way and sent to (his) desk without delay or obstruction so that we don't face another massive, last minute omnibus bill like this one."

The Senate should begin floor consideration of the appropriations bills during the early summer months to ensure that an appropriate amount of time is available to examine, debate and vote on amendments to the bills. We believe the Senate should pass at least eight of the appropriations bills by the August recess. In order to press for a more transparent process, we will consider using all available procedural tools to guarantee regular order for appropriations bills.

Noting our intentions, we hope you will plan accordingly as you work with the lead-

ership of the House to develop the legislative calendar for the rest of this fiscal year. Thank you for your time and consideration.

Sincerely,

Bob Corker; Thad Cochran; John McCain; Judd Gregg; Roger F. Wicker; Jeff Sessions; David Vitter; Jim DeMint; John Thune; Lindsey Graham; Lamar Alexander; John Ensign; Saxby Chambliss; James M. Inhofe; Tom Coburn; Robert F. Bennett; Jon Kyl; Richard Burr; Mel Martinez; James E. Risch; John Barrasso; Michael B. Enzi; Christopher S. Bond; Pat Roberts; George V. Voinovich; Chuck Grassley; Mike Johanns; Arien Specter; Richard C. Shelby; Mike Crapo; John Cornyn; Orrin G. Hatch; Olympia J. Snowe; Susan M. Collins; Richard G. Lugar; Johnny Isakson; Kay Bailey Hutchison; Lisa Murkowski; Jim Bunning; Sam Brownback; Mitch McConnell.

Mr. CORKER. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Would the Chair please advise me when I have used 10 minutes.

The ACTING PRESIDENT pro tempore. The Chair will do so.

#### THE BUDGET

Mr. ALEXANDER. Mr. President, one of the encouraging things that happened in Washington this year is that the President sent us a budget that was more transparent and more open than previous budgets. It was a 10-year budget instead of 5 years. It gave us a blueprint for the future in that way, the way we ought to be thinking about things. It included some things that had not been included before: the cost of the war; the so-called AMT fix—to address the millionaire's tax the Congress passed in the 1960s designed to catch 155 people who were not paying any taxes, but today will catch 28 million people, mostly middle-class Americans, unless we fix it; and what around here is irreverently called the "doc fix," to deal with the mandated 20-percent cut in what Medicare pays its physicians. That cut in physician payments is not going to happen, we know that, so the President included that in the budget. There was money for helping to fix the banks, to get the toxic assets out of the banks and get credit flowing again, get the economy moving again, and that was in the budget.

On big issues like health care, the President said: Let's work in a bipartisan way. I invite the Congress to come up with a bill. Many Members of Congress said the same thing. The President held a health care summit earlier this month. I agree with the President we should try to reform

health care this year. Most Republicans agree with that, that we need to make it possible for every single family to afford health insurance. People who are losing their jobs today or were between jobs ever understand what difficulty this causes families. So that was encouraging.

Now, I hear some very different sounds coming from around the Congress. It makes me wonder who is in charge here. I hear that instead of a 10-year budget, we may have a 5-year budget. The problem with the 5-year budget is most of the problems in the 10-year budget are in the second 5 years. This budget spends too much, taxes too much, borrows too much. It doubles the debt in 5 years, the national debt, and it nearly triples the national debt in the 10-year period. So we need to know where we are headed with this budget, and we will not know if we just talk about the next 5 years.

I hear that we are going to act like the so-called millionaire's tax, the AMT, is fixed. That is not fixed; we have to deal with it. The "doc fix" to avoid cuts in physician payments? We are just not going to include that in the budget, so I hear. We are going to have to deal with that. We all know we are going to have to deal with that. We ought to put that in the budget. The cost of the war should be there. We need to recognize the first order of business in this country is to fix the banks and get credit flowing again.

Secretary Geithner came forward with a plan on Monday that I hope works. At least for the first time we are beginning to address the central problem of what we do about the toxic assets in the banks that are causing the banks to freeze up and not loan, bringing everything to a halt. Get the toxic assets out and lending increases, houses begin to sell, jobs begin to be created again, people go back to work, the economy improves.

So it was a very prudent thing for the President to put in his budget a \$250 billion placeholder for the banks. He may need to ask us for that. In my view, I thought he should have asked us for it in January.

I thought, instead of passing a \$1 trillion stimulus bill, borrowing and spending money we don't have, that it would have been better for President Obama to do now as President Eisenhower did in 1952 when he said: I shall go to Korea. And he went to Korea. That was the issue then. It was not the only issue then, just like today there are lots of different things Presidents need to do. But Eisenhower said: I will go to Korea. He arrived there just a few days after Thanksgiving. He said: I will honorably focus my attention on the war until it is ended. The people elected him for that and he did that and he gained the confidence of the American people.

I and most Americans have great confidence in this President. If President Obama, in the same way that President Eisenhower said he would go

to Korea, says he will fix the banks and he will get credit flowing and he will honorably concentrate his focus on that until the job is done—I think we believe he can do that. So he was right to put the money in the budget, which I understand now may be coming out.

So we have a budget that is not really a budget anymore. It is not a clear picture. While I have been very complimentary of the President for his straightforwardness in the budget, that does not mean I have to like what is in the budget because I do not. But before I get to that part of it, let me talk about the two things that concern me most about what may be coming down the road and which I hope do not come. One of them is the idea that we would use the budget to pass a health care bill to transform the health care system and the American economy. The second is the idea that we would use the budget to impose a national sales tax on electric bills, gasoline prices, and all energy—in other words, to impose a cap-and-trade system on virtually the whole economy.

We need to reform health care. We need to debate climate change and cap and trade. But we need to do it in the way the Congress is supposed to do it, not by slipping it through with 51 votes when we are supposed to be making a budget, just because we can do that.

Think about that for a moment. The President has created this tremendously good environment for dealing with health care. He ran on a campaign: I am going to change the way things are done in Washington. People need to work across party lines to get things done on big issues that affect the country.

That is what the President said. He is right about that. There are a lot of new Senators who were elected saying the same thing. There are a lot of Senators who have been here before, like me, who said exactly this—I am here to try to work across party lines to get results on big issues. There is not a bigger issue than health care, after we get through fixing the banks.

The President had, as I mentioned, the health care summit at the White House—off to a much better start, this President, than President Clinton was when he tried to deal with the same issue early in his administration. The President also had a fiscal responsibility summit in February that I attended where health care was a major topic. We were all there, and various people got up and said: We need to work on this, do this together. The President wisely said: I am not going to send a proposal. I am going to let the Congress develop a proposal. We will work with you on these things.

Well, all of a sudden, we hear that the health care plan might be coming through on the budget. How can we possibly do that? If the President and Senate Democrats try to use this arcane budget procedure to reform health care, it will be the Parliamentarian and his wonderful staff who will end up writing the health care bill.

Health care is 17 percent of the American gross domestic product. These are big issues. Are we going to have a single-payer system? Is everybody going to have Medicare? Is anybody going to have a choice of a doctor? Is anyone going to have a choice of an insurance policy? What about the guaranteed costs? Will all Americans have the same kind of health coverage that Federal employees, including Senators, have? Is that a good idea? Will we give more permission to large employers to connect behavior to health care premiums so that we can have more prevention of disease? How much do we spend on people who are older and where we are spending more time?

Mr. President, I do not believe there is another Republican speaker. I ask unanimous consent to speak another 5 minutes.

The PRESIDING OFFICER (Mr. BENNET) Without objection, it is so ordered.

Mr. ALEXANDER. The health care bill ought to be written by, as Senators BAUCUS and GRASSLEY have said, the Health and Finance Committees, by the full Senate, with full participation. I mean, technically, you know, the Democratic majority can say: We won the election, we will write the bill. President Bush was Commander in Chief, and technically he could wage war in Iraq without the bipartisan support of Congress. But that helped him lose the support of the country. It damaged his Presidency. And it will do the same for President Obama if he is not allowed to continue on the path he began on, which is a bipartisan effort in the Congress to bring a health care bill this year.

I mean, the Republican leader of the Senate, in his first speech, went to the National Press Club here in Washington and he said: Mr. President, I am ready to work with you across party lines on entitlements. The most explosive, runaway cost in Government is Medicare and Medicaid. And it is better to reform health care before we put reduced costs on Medicaid. If we just put caps on the existing system, it would blow up.

So we are ready to do that. I don't know what more the Republicans could say to send this clear message: We are ready to work across party lines. And the President has said it himself. So why are we having this debate about whether to pass a health care bill as part of the budget. That is not right for the country, and it needs to stop today.

The idea of passing a so-called cap-and-trade energy tax in the middle of a recession as part of the budget—that is equally unwise. This is a major new idea and proposal, to impose this national tax on the country that produces 25 percent of all of the money in the world and 25 percent of all of the energy in the world. And we have no idea what it would do. We do know one thing it would do: it would raise prices a lot. It would raise the price of your electric bill by a lot, and it would raise

the price of your gasoline at the pump by a lot. That may not be as much of a problem today as it was a year ago. When gas goes back up to \$3 or \$3.50, you can be sure there will be plenty of people worrying about it. And when they hear that a national energy tax applied to gasoline, to fuel, has the effect in the first several years of raising the price of gasoline but not reducing the carbon that causes climate change, they are going to be really mad about that because they will say: Then why did you do that? I care about climate change, they may say, but why would you impose a remedy on me that raises my price but doesn't do anything about the carbon I am worried about?

Some might say: Well, what we should have done is have a low-carbon fuel standard that would gradually kick in, give the economy a chance to adjust, so that we can, for example, be driving electric cars which we can plug in at night using power generated by existing nuclear plants and coal plants. We don't have to build one new power plant, not one new coal plant, not one new windmill for the purpose of charging these new electric cars. So we could have a low carbon fuel standard, plug our plug-in cars in at night, and that would be a better result than putting a big, new national sales tax on the economy in the middle of a recession.

There are a lot of questions about this proposal even if we weren't in a recession. Creating a big slush fund here in Washington—nothing more dangerous than that. You saw that with the stimulus bill. Put a trillion dollars out here, and Congress goes crazy. Everybody has an idea about what to do. We can all spend money. And if we bring all of this money in here, Congress will find a way to spend it. And I guarantee, it is a lot of money. This tax would raise \$60, \$80, \$100 billion a year and bring it to Washington. The President says: Well, we ought to give most of it back to the people. Well, which people? In what way? Why not all of it? That should be a debate.

Should this tax be economy-wide, if we ever have it? Why not do as I have suggested and just put a cap and trade on power plants—that is 40 percent of carbon—and a low-carbon fuel standard on fuel—that is another 30 percent. So why do you need an economy-wide cap and trade to affect small business and farms and manufacturing?

And then who gets all of the money raised from this energy tax? A lot of the big companies came up to Capitol Hill when they first heard about this cap and trade proposal. They saw a lot of money coming into Washington and they thought they might get free allowances to produce carbon. But now the President wants to spend all of that money, and the companies are not so sure they like the idea anymore.

What about offsets? Offsets are a racket. You know, they have become a racket. Somebody saves a little carbon in Madagascar. Well, you get credit for it in the United States. There is not

much of a way to police that, and it is not a very good idea.

This carbon tax, this national sales tax, goes all the way to 2050. So it takes \$60, \$80, \$120, \$150 billion a year out of the economy—maybe not doing everything it's expected to do—in the name of dealing with climate change.

Well, the first thing is, imposing this new tax in the middle of a recession is a supremely bad idea.

Second, that doesn't mean we have to stop our efforts to deal with climate change and clean air. In fact, we can accelerate our clean energy efforts. They begin with the 2005 Energy bill. I see the ranking member of the Energy Committee on the floor, Senator MURKOWSKI. She was a major part of that, and she will be a major part of this debate as we go along. But we can promote conservation and efficiency without having a national tax on every electric bill.

As Al Gore has said, buildings are 40 percent of carbon. So let's go to work on that. I know that in Tennessee we waste more energy than any other State. We have the highest use per capita of electricity. If we just changed 12 lightbulbs in each house, we could save the equivalent of a nuclear power plant. That would be a smart thing to do. Let's start with conservation and efficiency. Let's electrify half of our cars and trucks. We can do that because the automobile companies are building the cars and trucks. Let's plug them in at night when the electricity is cheap. We don't have to build one new power plant, the Brookings Institute says.

Three, let's make solar power cost competitive with power from fossil fuels. We have been really miserly about energy research and development, and we ought to be bending over backward to put money wisely to make solar costs competitive, as the National Academy of Engineering says, to find a way to capture carbon from existing coal plants, to find ways to reprocess nuclear waste.

While we are worrying about carbon, why don't we set as a goal to build 100 new nuclear power plants. Nuclear power is 20 percent of our electricity, but it is 70 percent of our carbon-free, nitrogen-free, sulfur-free, and mercury-free electricity. Why are we going slow on it?

So we would say no to higher taxes, higher prices, and more subsidies—certainly not in the middle of a recession—and yes to more conservation, more efficiency, more nuclear power, more electric cars, and more research and development on solar, advanced biofuels, nuclear, and carbon capture. That is a pretty good agenda for dealing with clear air and climate change, and it doesn't impose an unwise, multi-billion dollar national tax on electric bills in the middle of a recession, which would hurt the economy.

Mr. President, I ask unanimous consent to have printed in the RECORD a couple of letters. One is a letter from a

number of Senators—looks like more than two dozen—opposing using the budget reconciliation process to expedite passage of climate legislation. A second letter comes from the Republican members of the Committee on Environment and Public Works. It objects to collecting \$646 billion in new climate revenues from the American people in the middle of a recession.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, March 12, 2009.

Hon. KENT CONRAD,  
Chairman, Committee on Budget, U.S. Senate,  
Washington, DC.

Hon. JUDD GREGG,  
Ranking Member, Committee on Budget, U.S.  
Senate, Washington, DC.

DEAR CHAIRMAN CONRAD AND RANKING MEMBER GREGG: We oppose using the budget reconciliation process to expedite passage of climate legislation.

Enactment of a cap-and-trade regime is likely to influence nearly every feature of the U.S. economy. Legislation so far-reaching should be fully vetted and given appropriate time for debate, something the budget reconciliation process does not allow. Using this procedure would circumvent normal Senate practice and would be inconsistent with the Administration's stated goals of bipartisanship, cooperation, and openness.

We commend you for holding the recent hearing, entitled "Procedures for Consideration of the Budget Resolution/Reconciliation," which discussed important recommendations for the upcoming budget debate. Maintaining integrity in the budget process is critical to safeguarding the fiscal health of the United States in these challenging times.

Sincerely,

Mike Johanns; Robert C. Byrd; David Vitter; Blanche L. Lincoln; George V. Voinovich; Carl Levin; Johnny Isakson; Evan Bayh; Christopher S. Bond; Mary Landrieu; James E. Risch; E. Benjamin Nelson; Lamar Alexander; Robert P. Casey, Jr.; Michael B. Enzi; John McCain; Tom Coburn; Jim Bunning; John Barrasso; John Ensign; Bob Corker; James M. Inhofe; Chuck Grassley; Roger F. Wicker; Mike Crapo; Susan M. Collins; Thad Cochran; Kay Bailey Hutchison; Mark L. Pryor; Lisa Murkowski; Pat Roberts; Saxby Chambliss; Sam Brownback.

U.S. SENATE, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,

Washington, DC, March 19, 2009.

DEAR COLLEAGUE: The President's 2010 Budget proposal contains a risky, ill defined new energy tax that has the potential to continue the economic recession for many years to come. We are writing this letter to alert you to this situation and ask that you join us in a budget resolution amendment to strike any such provision.

Specifically, the President's 2010 Budget proposal asks to collect \$646 billion dollars in new "Climate Revenues" from the American people. The government will collect these new revenues through a cap and trade scheme in which "allowances" are sold to the highest bidder. The government won't tax consumers directly, but it will impose new costs on energy producers and users who will in turn pass those higher costs on to consumers, which will result in higher electricity bills, gasoline prices, grocery bills, and anything else made from conventional energy sources. In short, consumers will feel as if they are paying a new tax on energy.



The stated price tag for this new energy tax is \$646 billion, yet recent news reports indicate that administration officials are privately admitting their program will actually generate between "two and three times" this amount of revenue, or between \$1.3 trillion and \$1.9 trillion. However, these numbers represent only the cost from 2012 through 2019. The budget summary describes the energy tax extending at least through 2050. At the 2012 through 2019 average annual rate, families and workers would face through 2050 between \$6.3 trillion and \$9.3 trillion in higher energy taxes.

On the Environment and Public Works (EPW) Committee, we have had experience with these types of proposals. We, and the full Senate, debated a proposal by Senators Boxer, Lieberman and Warner that the sponsors themselves indicated would generate \$6.7 trillion from consumers. As you may recall, the Senate defeated this proposal, in part because the U.S. Environmental Protection Agency (EPA) estimated that by 2050 it would annually cost the average family \$4,377 and raise gasoline prices \$1.40 per gallon. Experts estimated it would kill up to 4 million jobs by 2030. As you can see, a \$4,377 per family total cost or a lost job would greatly outweigh any \$800 per family payroll tax break offered by the administration.

The budget resolution is not the right place for the careful bipartisan dialogue we need to get these issues straight, or to fully account for the legitimate concerns of energy consumers, economists, and industry. While the budget resolution the Senate will debate is not yet available, we will offer an amendment to strip any climate revenue provision it contains. We urge you to be ready to join our efforts to resist the erosion of proper democratic principles.

Sincerely,

SENATOR JAMES M. INHOFE,  
Ranking Member.  
JOHN BARRASSO,  
U.S. Senator.  
DAVID VITTER,  
U.S. Senator.  
MIKE CRAPO,  
U.S. Senator.  
CHRISTOPHER S. BOND,  
U.S. Senator.  
GEORGE V. VOINOVICH,  
U.S. Senator.  
ARLEN SPECTER,  
U.S. Senator.  
LAMAR ALEXANDER,  
U.S. Senator.

Mr. ALEXANDER. Senator BYRD, our senior Member of this body, wrote the budget legislation that created the reconciliation process. He has told us that. He has reminded us of that. He talked about how he sat in his office for 10 days and did it to get it right. This is what he said:

I was one of the authors of the legislation that created the budget reconciliation process in 1974. I am certain that putting health care reform and climate change legislation on a freight train through Congress is an outrage that must be resisted.

That is Senator ROBERT BYRD, the senior Democrat, the senior Senator who wrote budget reconciliation.

Senator CONRAD, Senator BAUCUS, Senator DORGAN, Senator CARPER, and many others have said basically the same thing: We agree. Don't use the reconciliation to ram through health care reform.

So let's take the budget in the next 10 days, let's debate it, let's have our

differences of opinion, but then let's follow the President's wise beginning on health care and reform it this year in the way he has suggested and the way he campaigned on. And let's take the energy issue and the climate change issue and let's look carefully at how we have the right clean energy strategy, which some of us believe is different from just taxes and high prices and more subsidies.

As far as the budget in general, we believe it spends too much, it taxes too much, and it borrows too much. If I could conclude with only one example of how that excessive borrowing will hurt the economy and hurt the country—an example that helps to illustrate why this 10-year budget the President set is a blueprint for a different kind of country, one with less freedom, one with more Government, and one which our children cannot afford—if there were any one example of why that is true, this would be it: It would be the amount of interest on the debt we will be paying in the 10th year of the budget sent by President Obama.

In that year, interest on the debt will be \$806 billion. The amount of spending on defense by the Federal Government in that year is projected to be \$720 billion. So we will be spending more on interest than we do on defense.

Federal spending on education in that year would be \$95 billion. So we would be spending eight times as much on interest as we would on education.

In the 10th year of the budget, \$100 billion is allocated for transportation spending by the Federal Government on things like roads and bridges that need to be fixed—we agree on that, and we would like to have the money to do it. But we will be spending on interest alone eight times what we will be spending on transportation.

When I was Governor of Tennessee, we were a low-tax, low-debt State. The reason we did not have much debt is because for every penny we did not have to pay in interest, we could pay it for a teacher's salary, we could improve a prenatal health care clinic, we could build a road, we could have a center of excellence at the university. So low debt means more money for the things we really want to have to invest in this country to make it a better place.

The President's budget is straightforward. Give the President credit. The attempts by Congress to make it gimmicky and less transparent are deplorable. The idea of trying to pass a health care reform proposal that affects 17 percent of the economy and to impose a national sales tax on the entire energy system during a recession is a bad idea.

What we should do is take this 10-year budget, whittle it back to size so it doesn't spend so much, doesn't borrow so much and doesn't tax so much and move ahead with a blueprint that maintains our freedom, that limits our Government, that preserves choices and that our children and grandchildren can afford.

I yield the floor.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## NATIONAL SERVICE REAUTHORIZATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1388, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1388) to reauthorize and reform the national service laws.

Pending:

Mikulski amendment No. 687, in the nature of a substitute. Crapo-Corker amendment No. 688 (to amendment No. 687), to increase the borrowing authority of the Federal Deposit Insurance Corporation.

Johanns amendment No. 693 (to amendment No. 687), to ensure that organizations promoting competitive and non-competitive sporting events involving individuals with disabilities may receive direct and indirect assistance to carry out national service programs.

Baucus-Grassley amendment No. 692 (to amendment No. 687), to establish a Nonprofit Capacity Building Program.

AMENDMENT NO. 691 TO AMENDMENT NO. 687

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I understand that an amendment is pending; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Ms. MURKOWSKI. I ask unanimous consent to set aside the pending amendment for purposes of offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for herself, Mr. DORGAN, Mr. BINGAMAN, and Mr. BARRASSO, proposes an amendment numbered 691 to amendment No. 687.

Ms. MURKOWSKI. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify certain provisions relating to Native Americans)

Section 129(d) of the National and Community Service Act of 1990 (as amended by section 1306) is amended by striking "and to nonprofit organizations seeking to operate a national service program in 2 or more of those States" and inserting "to nonprofit organizations seeking to operate a national service program in 2 or more of those States, and to Indian tribes".

Section 193A(b)(23) of the National and Community Service Act of 1990 (as amended by section 1704(1)) is amended by striking "and collect information on challenges facing Native American communities" and inserting "collect information on challenges facing Native American communities, and designate a Strategic Advisor for Native American Affairs to be responsible for the

execution of those activities under the national service laws”.

Ms. MURKOWSKI. Mr. President, before I speak to the amendment I have sent to the desk on behalf of my colleague, Senator DORGAN, and others, I would like to speak generally to the measure before us, the Serve America Act. I am a strong supporter of volunteer service, including Global Youth Service Day. I am proud and pleased that this reauthorization has been developed and brought to the floor in a bipartisan manner. The work done on this legislation is the product of the best tradition of the Senate HELP Committee and of the Senate itself. I offer my congratulations to those who have worked very hard on this—Senators KENNEDY, MIKULSKI, HATCH, ENZI—and all their very hard-working staff who do a good job.

I also thank some very professional and dedicated people in the State of Alaska for their thorough review of and comments on the various drafts of the legislation. We would send it off to them and get good response back, good feedback. I appreciate that.

They include: Nita Madsen, executive director of Serve Alaska, and her staff; Rachel Morse and all the great people at RurAL CAP who implement AmeriCorps and VISTA programs; Denise Daniello at the Alaska Commission on Aging; Angela Salerno at the Alaska Department of Health and Social Services; and many others who were helpful in providing insights from the providers' perspective.

AmeriCorps and the VISTA programs are a vital part of Alaska's communities. I would like to take a few minutes this morning to give some of the examples of their valuable work in the State and to congratulate the volunteers for their service.

For more than 10 years, AmeriCorps volunteers with the Student Conservation Association have served Alaska and the Nation on our public lands in Denali National Park and Preserve, the Kenai Fjords, and Lake Clark National Park and Preserve. Every year over 1 million people visit Alaska to see these natural resources, to hike and camp and fish and explore. The conservation service provided by these students helps protect scenic beauty of our State, including the volcanoes, glaciers, wild rivers, and waterfalls.

My family and I hiked the Chilkoot Trail a couple years ago and ran into a group of AmeriCorps volunteers who were out on the trail building and refurbishing some of the old historic cabins along the way and making the trail safe for its many visitors.

The students also research and monitor fish and wildlife populations as well as watersheds that are essential for the red salmon. This year 80 of SCA's AmeriCorps volunteers will work in Cook Inlet in the watershed there to monitor and support active fish management. In addition to providing natural resource stewardship, visitor services, and environmental education,

their work supports Alaska's key economic engines which are our fisheries and tourism.

In 2008, SCA placed over 236 high school students and college interns in Alaska who provided over 76,000 service hours, valued at over \$1.5 million. In Alaska last year, there were also 64 VISTA volunteers who served with 18 project sponsors. I will give a little snapshot of one of those projects. It was at Juneau-Douglas High School, the CHOICE project. The CHOICE Program, which is Choosing Healthy Options in Cooperative Education, focuses on improving the academic achievement of 100 at-risk students at Juneau-Douglas High School. The VISTA volunteers help the students develop a sense of belonging and ownership within CHOICE, the high school, and the community at large. So VISTA not only involves the CHOICE students in the community; they also involve the community in the education and learning of the students. Our VISTA coordinator, Jennifer Knaggs, recruited 42 community members to provide internships in State and local offices in the agencies and in the local businesses. In conjunction with the National Council on Alcohol and Drug Dependency, she helped facilitate three Alaska teen institute retreats. She also organized and coordinated the Beyond School Program, in which six community volunteers teach small groups of high school freshmen a hands-on, real life skill, such as Tlingit carving, writing and producing radio public service announcements about healthy choices, creating short video biographies of tribal elders, and visual promotions of healthy choices within the school.

In a small community such as Juneau, retention of internships is no small feat. Students have reported very positive experiences with their internships and their hosts, and the performance we are seeing coming out of these kids is great. They are proud of their accomplishments. The students have become involved in the community, and it is a real win.

The great public servants who run Alaska's national service programs have noted the many positive aspects of this reauthorization for increasing the recruitment and retention of volunteers, focusing on directions Alaska has already begun to move toward, and increasing the accountability for positive outcomes. In their view, there are a few items they look to in the Serve America Act that are especially helpful. The first is the increase in the living allowance and education awards. It has the potential to increase the recruitment and the retention of AmeriCorps members, especially from rural Alaskan communities. Also, it allows senior volunteers to transfer the education award to a child or a grandchild. Again, this will help with recruitment efforts. It increases focus on individuals with a disability, paralleling one of the focus areas of our Alaska State Commission. Increasing

the connection with the Commission on Aging and Intergenerational Programs also meets another one of Alaska's performance measures. So having this provision in the act will assist with moving this partnership forward.

The accountability provisions will strengthen the State service plan. Having a minimum amount for the formula grants for both AmeriCorps and Learn and Serve is very good for the State of Alaska and other States that have equally small populations. The increase for the operation of the State Commission is a positive; even if obtaining the required 1-to-1 match will be challenging for a State such as ours, we believe it is a positive step.

From the perspective of one of Alaska's largest service grantees, they noted the following: The effort to expand and improve opportunities for national and community service should positively benefit Alaska's engagement in the service; the grouping of “corps” for the service programs into Education Corps, Healthy Future Corps, Clean Energy Service Corps, Opportunity Corps or Veterans Corps, coupled with defined performance indicators, will add value to the existing Corporation for Community and National Service framework; linking the value of the education award to the maximum value of the Pell grant will improve the strength and success of AmeriCorps programs in Alaska; increasing the AmeriCorps living allowance from \$16,000 to \$18,000 will especially benefit the programs serving rural Alaskan communities.

Let me speak to the amendment I have called up. This is amendment No. 691, offered on behalf of my colleague, Senator DORGAN. This amendment to the Serve America Act designates a tribal liaison for the Corporation for National and Community Service and keeps Indian tribes as eligible under existing law for nationally competitive grants. The corporation has recognized the need for a tribal liaison position and has designated an individual to reach out to Native American communities. This amendment will make that position permanent. The tribal liaison will work across all programs and support units to increase Native participation in national service and help to develop and enhance programming to address the unique needs of Native American communities.

In addition, we propose to keep Indian tribes as eligible under existing law for nationally competitive grants. Current law allows tribes to compete for funds with States and national nonprofit organizations. This amendment would maintain the eligibility of tribes to compete with States and national nonprofit organizations for national competitive grants. Many of these activities and indicators under the proposed corps in this act are directly applicable to Indian Country, and access to these grants with the assistance of a



tribal liaison is important. We recognize that the education of American Indians and Alaska Natives lags far behind that of the rest of the country, and the provisions of the Education Corps will help address these needs by providing mentors and tutors to Native students. Likewise, the Healthy Futures Corps would help address the lack of access to health care on many of our reservations.

Likewise, the Healthy Futures Corps will help address the lack of access to health care on many of our reservations. American Indians have higher disease rates and lower life expectancy than the general population. Volunteers serving in the Healthy Futures Corps could assist those who live on reservations or in Alaskan communities in obtaining health services.

I encourage my colleagues to look at the amendment and provide support for this important tribal liaison and in retaining tribal eligibility for competitive grants within the Corporation for National and Community Service.

I thank Senators KENNEDY, MIKULSKI, HATCH, and ENZI for their dedication to public service and congratulate them on what I believe is good legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I, personally, congratulate the distinguished Senator from Alaska for her comments. She has a very important amendment to this bill. I assure her we will work that out so we don't have to have a vote on it. If we do have to go to a vote, we will, but the fact is I think we can work that out. It is a very good amendment. Personally, we want to have those funds as part of this bill. We will work it out.

I want to take a few minutes and pay tribute to some of the wonderful national service efforts that have gone on in my home State of Utah. As I have said throughout this debate, Americans are the most generous and energetic people in the world. Indeed, a volunteer spirit is encoded into our country's cultural DNA. Nowhere is this concept better exemplified than in my home State.

According to the Corporation for National and Community Service, between 2005 and 2007, an average 792,000 Utahns gave 146.9 million hours of service every year. Using Independent Sector's estimate of the dollar value of a volunteer, the estimated contribution of these efforts is \$2.9 billion annually. Nearly 44 percent of all Utahns do some sort of volunteer service every year, making Utah's volunteerism rate No. 1 in America, more than 4 percent higher than the State ranked second.

Salt Lake City, UT the second-highest volunteerism rate of any major metropolitan area in the country at 37.2 percent. Among midsize cities, Provo, UT has the Nation's highest volunteerism rate at 63.8 percent, with Ogden, UT coming in at No. 4 with a rate of 41 percent. Much of this volun-

teer work is done by members of the Mormon church in food canneries and storehouses as they stockpile food and supplies for those in need, whether they be members of the church or non-members. As with any community, volunteerism in Utah comes in a variety of forms.

In addition to the privately-led projects throughout the State, national service programs have had a profound impact on communities throughout the State of Utah. For example, there is the Utah AmeriCorps Literacy Initiative, which currently manages programs in 66 schools covering the entire State of Utah, including both urban and rural communities. There are 87 AmeriCorps members in the program who recruit and train community volunteers to tutor struggling readers.

Unfortunately, the current budget situation in Utah is similar to those faced by State governments around the country. As a result, Utah schools have been required to cut their budgets 4 percent this year and 5 percent for next year. However, national service participants have been able to step up and fill the void in schools left by the reduction in the State education workforce. Several teachers' aides whose positions have been downsized due to the budget cuts will be qualified to participate in the Literacy Initiative next year and, accordingly, will receive a small living allowance and an educational award which will allow them to get further training, broadening their skills to obtain gainful employment.

Over the past 5 years, this program has helped over 8,000 elementary schoolchildren serve as mentors, helping younger children improve their reading. The average growth in reading for both the mentor and the mentee they are helping has been one full grade level over the course of the 9-week program. In addition, through this initiative, over 2,000 children have received one-on-one tutoring from community volunteers twice a week over the course of a 30-week program. These are children who did not pass the Utah State End of Level tests the previous year. After 1 year of tutoring through the Utah AmeriCorps Literacy Initiative, 62 percent of the students passed that test at a proficient level.

I think this program exemplifies what we are trying to accomplish with this legislation. All of this work, which has improved the education of literally thousands of students and leveraged the efforts of thousands of other students and community volunteers, has been anchored by a small group of only 87 AmeriCorps members. That is pretty phenomenal when you think about it. Why wouldn't we want to expand this approach? It seems to me it is something we ought to be doing everywhere.

I am convinced that, once this bill is passed, we will see more programs such as this spring up over time, not only in Utah but throughout the country. They will be buoyed by the increased direc-

tion, efficiency, and accountability that this legislation will add to the existing national service structure. In the end, more people will be helped, more traditional volunteers will be put to work in their communities, and more of our Nation's problems will be solved.

That is precisely the point of this legislation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, thus far, we have had what I believe to be a constructive discussion regarding the Serve America Act. We have seen some fine amendments, and Senator MIKULSKI and I are working together to try to accommodate as many Members as possible. I said at the outset that I hope we can avoid a situation where too many changes to this bill would eventually split the bipartisan support the bill has enjoyed. So far, this does not appear to be a problem.

As we continue to debate this important piece of legislation, it is my hope these constructive efforts will continue. This is a good opportunity for us to set aside partisan differences and do some good for the American people. I once again thank Senator MIKULSKI for her efforts here on the floor to see this effort through.

I thank Senator KENNEDY as well. Even though he has not been here, except for the last cloture vote, he certainly has been working it from home, and he has been on the phone regularly. We also have others who have worked on our side very diligently to try to make sure this bill passes, and in the form it is in.

I mentioned yesterday that I believe the Serve America Act should be a bipartisan bill, not because I believe it is either liberal or conservative but because it is both. I think the bill plays to the greatest strengths of those on both sides of the aisle. It marries what is typically thought of as a "liberal" instinct for Government to make proactive efforts to help those in need with the typical "conservative" desire to place more power in the hands of individuals instead of the Government. It is not all that often we are able to work together to find ways to satisfy both of these ideals, but I believe we have done so with this legislation.

For me, the conservative case for this legislation has been obvious from the beginning. Indeed, many of the provisions in the bill have what I consider to be very conservative roots. In 1990, William F. Buckley, Jr., one of the fathers of modern conservatism, who had served in World War II, published a wonderful book called: "Gratitude: Reflections on What We Owe to Our Country." He became a staunch advocate of

national service, which he believed, “like gravity, is something we could accustom ourselves to, and grow to love.”

Buckley believed we owe a debt of gratitude to our country and offered creative ideas for a plan for universal voluntary national service for men and women 18 years and older. While the Serve America Act is not so ambitious as to contemplate that national and community service will become universal, it does provide more Americans opportunities to serve, in the belief that our democracy and the values of our free society take constant vigilance to preserve their vitality and health. It is citizens, acting at the local level, who should play the prominent role, not Government.

For the past several years, I have supported efforts to reposition our Government's support of national and community service from the perception of paying Federal “volunteers” to a more effective model where Government provides a small amount of infrastructure and support to community-based groups that are recruiting, training, and deploying traditional volunteers. That model has worked. The number of traditional, unsubsidized volunteers who are leveraged into service by existing national service programs dwarfs the number of participants receiving Government assistance—by a ratio of nearly 30 to 1. We have heard that statistic quoted many times during this debate, but I believe it bears repeating.

This model is based on our faith in civil society—not distant Government agencies—and a focus on the efforts of the traditional volunteer. We know so many Americans show up to volunteer—to help with a cause or to serve in the aftermath of a disaster—and are turned away or are not well used. This is a waste of very precious resources. The Serve America Act will help fix that by establishing a volunteer generation fund that will help already successful service programs devote more resources for the recruitment of volunteers, allowing them to expand their efforts.

Help offered by a compassionate neighbor will always be superior to Government-driven approaches designed in Washington. In recognition of this fact, the Serve America Act ensures that the vast majority of service efforts will be generated by local and private organizations responding to community needs.

Young Americans, whose rates of unemployment have soared to more than 21 percent in a tough economy, with college graduates having the highest unemployment rates ever, will be given new opportunities to serve. The good news is that research tells us this is a sound and efficient investment. Not only does it put many unemployed Americans to work at a low cost to Government and meet urgent national needs, those young adults most at risk in our communities gain more by serv-

ing others than they do by being passive recipients of services. During their terms of service, they gain valuable skills that help them secure permanent employment at higher wages. They also outpace their nonnational service peers in remaining committed to volunteer service for the rest of their lives.

These platoons of civil society more often than not consist of faith-based institutions. More Americans perform volunteer service through church-sponsored and faith-based organizations than any other venue. The Serve America Act continues the tradition of enabling volunteers to serve through faith-based institutions in a variety of different ways, including its new Serve America Fellowships and the State competitive and formula grants that may be given to faith-based institutions providing social services. This legislation also introduces new indicators of accountability to ensure that investments generate significant returns. For the Education Corps, for example, we want to know how programs are improving student engagement, attendance, behavior, academic achievement, graduation rates, and college-going rates at high schools with high concentrations of low-income students. Eligible entities for funding through the Education Corps must have a proven record of improving or a promising strategy to improve performance based on these indicators.

The days of simply funding programs that might make us feel better but not generate results are over. Effective programs over time should and will continue to get support, and ineffective programs will ultimately be closed down. These indicators will help us make those decisions.

America utilizes a number of indicators to regularly track the country's economic progress, including unemployment, GDP, housing starts, and more. But our country does very little to measure indicators of our civic health. Even though an active, well-connected, trusting, and engaged citizenry is fundamental to our vibrant communities, a strong democracy is important, and our personal welfare is important as well. So the Serve America Act provides for the collection of data that can give us a snapshot every year of how communities throughout the country are stacking up with respect to rates of volunteering, charitable giving, connections to civic and religious groups, knowledge of American history and government, and more. Policymakers can use this data to strengthen efforts to increase these activities. Indeed, this civic health index will pay dividends through the policy spectrum.

Although some of my colleagues may argue otherwise, the Serve America Act reflects what I believe are conservative values, and because of this I believe many of my Republican colleagues will be on board with this legislation. The bill is founded on a funda-

mental belief in the power of people working at the local level to improve their communities and country, a belief in looking first to community and faith-based institutions to help solve our toughest challenges, a belief in public-private partnerships where the cost is low to the Federal Government and the return on investment very high, and a belief in tough accountability for results and making sure we support only programs that work and end the programs that don't.

But the Serve America Act is also about something deeper that we all value whether we are liberal or conservative, Republican or Democrat. It is about fostering a spirit of patriotism, a love of country, at a time when that patriotism has been fractured somewhat by a tough economy, institutions that fail, individuals whose schemes hurt people, and distrust in government itself to have the answers.

Benjamin Rush, one of our Founding Fathers, wrote a brief text called “On Patriotism” in 1773 that captures my view of the subject and the role that service plays. Here is what Benjamin Rush, one of the Founders of this country, said:

Patriotism is as much a virtue as justice, and is as necessary for the support of societies as natural affection is for the support of families. The love of country is both a moral and a religious duty. It comprehends not only love of our neighbors, but of millions of our fellow citizens, not only of the present, but of future generations.

I often think of our Nation's veterans when I read those words. I think of the men and women serving during wars and campaigns from the American Revolution through Operation Iraqi Freedom who literally had us in mind when they sacrificed their own lives so those in future generations might be free. Those who serve today—whether it is in the military, in government, in national community service, or as traditional volunteers—truly connect themselves to millions of their fellow citizens, not only of today but of the future. Such service is not only the means to our own happiness, it strengthens and makes this country better. It makes better this country that we love so much.

These principles and ideals are the driving force behind this legislation. Every Member of this body, whether they support this bill or not, loves this country and has devoted his or her life to serving it. I believe it is this devotion that we all share—the common belief in something bigger than ourselves—that has led so many to support this legislation. While I am convinced the final result will be pretty lopsided in favor of passing this bill, I am going to keep trying to get it as close to unanimous as I can. Toward that end, I urge all 99 of our Senate colleagues to support the Serve America Act.

I notice the distinguished majority whip is here and would like to speak, so I will reserve my time and speak a little later on some of the other aspects of this bill.

So with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I wish to thank my friend and colleague from Utah, Senator ORRIN HATCH—and he is my friend. We have had many political battles in the past, but we have also joined forces in doing some things that I think are important for our Nation. I wish to thank him for his continued support of the DREAM Act. This is a bill which we kind of fought over on initial introduction; we both had the same idea. We are going to continue to work together on that in years to come and, I hope, see it to its successful conclusion. It is the kind of commitment Senator HATCH has made to the ideals of our Nation which he makes again in this Serve America Act.

This act is known on the Senate floor, depending on which side of the aisle you sit, as the Kennedy-Hatch Act or the Hatch-Kennedy Act. It is fitting that Senator HATCH would be teamed up with his old friend and political rival from time to time, Senator TED KENNEDY, as they both came together in a common effort to pass this important legislation.

I spoke earlier this week about the Serve America Act which is now pending before the Senate and what it would mean to our Nation. Let me tell my colleagues a few stories that I think illustrate it.

In my home State of Illinois, each year, 2.7 million volunteers dedicate 302 million hours of service. The estimated economic worth of that contribution and voluntary service is almost \$6 billion a year. More than 66,000 of these volunteers participate in national service programs through 144 different projects and programs. Each of them has a story to tell about a life they have influenced or changed: a mother they have helped feed her family, a child they have helped to learn, or a community that is cleaner and safer because they are working and volunteering to make it that way.

All of these volunteers can also tell about how their time and service improved their lives. Let me mention a few stories.

In Chicago, the City Year Program places young volunteers to work full time in some of Chicago's neediest schools. They serve as tutors and mentors and role models to the kids. A volunteer I talked to recently tutored a young girl named Zariah. She was struggling with a lot of problems in school, with reading and behavior. I won't hold it against her—her behavior problem; I had the same problem, and I ended up in the Senate. Zariah was in jeopardy of failing the fourth grade, so this volunteer showed up and decided to take a personal interest in her.

A few weeks after tutoring Zariah, this volunteer heard a little voice cry out as he walked by the school. It was little Zariah, and she was yelling to this volunteer tutor: I passed fourth grade. I passed fourth grade.

What a reward for that volunteer and what a happy moment for that child.

In Waukegan, IL, four AmeriCorps volunteers helped Habitat for Humanity construct homes and train and recruit volunteers. One of the AmeriCorps members told a story that I think is so heart-warming about driving by a school every morning as an AmeriCorps volunteer, in their notable jackets, and seeing a woman wave and cheer as they came by. She wasn't a homeowner or volunteer herself. She was just a member of the community, and she recognized the AmeriCorps jacket. She knew what the volunteers were doing, and she wanted to say thank you with a wave and a cheer each morning.

Throughout Illinois, the Equal Justice Works Summer Corps Program provides crucial legal assistance to communities. Law students give their time and talents in exchange for a very modest AmeriCorps educational award of \$1,000 for a summer of work, many of them turning down far more lucrative opportunities in the private sector.

In 2008, the Summer Corps Program had 23 members serving in my State, and they served over 1,000 low-income people who couldn't afford a lawyer any other way. One of those corps members was Nichole Churchill of Chicago. She spent a summer serving with the Children's Project of the Legal Assistance Foundation working with parents, foster parents, and adoptive parents. This is what she said about her time there:

It has opened my eyes to the myriad of problems that many of our low-income clients face on a daily basis. This experience has only strengthened my resolve to continue this kind of work and to effectuate meaningful change in their lives.

Those are only a few of many stories told from my State of Illinois.

This week we are considering a bill that will dramatically expand the opportunities for voluntarism and service across America. The Serve America Act will triple the number of national service participants to 250,000 participants within 8 years. Along with this dramatic expansion, it is going to create a new corps within AmeriCorps focused on areas of national need such as education, environment, health care, economic opportunity, and giving a helping hand to our veterans.

We are expanding opportunities to serve for Americans at every stage of life, too. Middle and high school students will be encouraged to participate in service projects during the summer or during the school year. By serving their communities early in life, these students will be put on a path to a lifetime of service.

For working Americans who can't commit to a full-time volunteer job, the bill provides opportunity for them to work part time in their community. Retirees can be given a new opportunity to serve with the existing Senior Corps and through new expansion.

The bill also increases the education award for the first time since the cre-

ation of the national service program. I think that is a perfect complement, that these good, well-meaning Americans would serve their Nation and in return we would help them, give them a helping hand with their education at a time when education is so expensive for so many students. The education award in this program will be raised to the Pell grant level which makes it easier for college students with significant student loan debt to consider national service. The award is transferable so that older volunteers can transfer the education award to their children or grandchildren—a perfect generational legacy.

Each American has the power to make a small difference in the success of a child, the health of the environment, or the lives of their hungry neighbors. All of those small differences repeated over and over again can add up to something truly powerful, truly inspiring. This bill will expand the opportunities for Americans to serve their communities. President Obama has urged us to pass this on a timely basis, and I am going to encourage my colleagues to fight off the amendments which have nothing to do with this bill. Let's get this one done and done right. Let's not get bogged down in a lot of other issues that might be presented. They are all, I am sure, equally meritorious and worth our consideration, but we need to finish this one. Let's get this bill done so that we can expand service and make an even stronger Nation.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I am pleased to support the Serve America Act, which expands opportunities for Americans to serve their country at a time of critical need. I thank Senator KENNEDY and Senator HATCH for their willingness to work with my staff to include language that ensures the volunteers funded by this bill can also work on service projects that expand access to affordable housing in our communities. Providing more affordable housing is one of Wisconsin's most pressing needs and language that Senator REED and I worked to insert will help ensure that volunteers can build, improve, and preserve affordable housing throughout the country.

Just as voluntarism plays a crucial role in strengthening our communities and building a stronger America, that same energy, compassion, and knowledge must also be harnessed to help rebuild our image abroad as it has been severely damaged over the past 8 years.

The amendment I am offering today with Senator VOINOVICH encourages

those efforts by strengthening and expanding the Volunteers for Prosperity program authorized in title V of the bill. This program provides a valuable tool to assist international volunteer service, and with my improvements I believe we can make it even more effective.

A recent survey released by the Pew Global Attitudes Project indicates that between 2002 and 2008, opinions of the United States declined steeply in 14 out of the 19 countries polled. And a similar 2007 survey of over 45,000 people in 47 countries found that “[o]verall, the image of American people has declined since 2002,” even among those who used to count us as friends and allies.

The Obama administration has already taken some important steps to rebuild our image abroad, such as the President’s decision to close Guantanamo and redeploy troops from Iraq, and his recent address to the people of Iran. But individual Americans can contribute, too, and we can support those efforts by increasing the opportunities for Americans from all backgrounds and experiences to volunteer abroad.

While the surveys I mentioned showed worsening attitudes toward Americans and the declining popularity of the United States, studies have shown that in places where U.S. citizens have volunteered their time, money, and services, opinions of the United States have improved.

To put it simply, some of our best diplomats are our private citizens who spend time overseas working closely with small communities and spending time with the citizens of other countries. Their volunteer work is enhanced by their ability to share stories and create individual connections. Collectively the two are a force for positive global change and greater cultural understanding.

One example is a story from a constituent, Kathy Anderson from Marathon, Wisconsin, who shared with me her thoughts on the exchange opportunities she and her husband Mike have experienced, including a recent trip to Ukraine to discuss farming methods with folks under the Community Connections program:

We have lots and lots of stories, but the headline may be that people interact with people at a very different level than countries interact with countries. I may not like what your country is doing, but if I get to know you as an individual, I can still build a connection. Programs like these put a face on the country, making it less abstract and impersonal. Once the guests get to know a farmer from Wisconsin, I’m sure they also have a better understanding that our country is more than the image they see presented by the politicians, or the sports figures, or the media folks. It’s real folks with the same kind of dreams, hopes, and wishes for the future that they have. And perhaps we get a bit closer, one relationship at a time.

Our Federal Government should continue to recognize the important role that people-to-people engagement can play in countering negative views of

America around the world and help facilitate such opportunities by promoting both short- and long-term international volunteer options for U.S. citizens. Existing programs such as the Peace Corps, Volunteers for Prosperity, and the exchange programs administered through the Department of State’s Bureau of Education and Cultural Affairs already do tremendous work in this area. But even with these existing programs, we need greater, more varied and more flexible citizen diplomacy initiatives. Mr. President, we can and should be doing more.

In 2007, I introduced the Global Service Fellowship bill to offer U.S. citizens the flexibility and support they need to pursue international volunteering opportunities. This bill reduced barriers to volunteering by offering financial assistance and flexibility in the time period Americans could spend abroad—opening the door for more Americans to participate. This bipartisan bill was approved by the Senate Foreign Relations Committee last Congress.

Now, in title V of the Serve America Act, we have the opportunity to see a very similar program become a reality. This section authorizes the Volunteers for Prosperity Office created by Executive Order 13317 under President Bush. This program promotes short- and long-term international volunteering opportunities with specific development objectives, and establishes the Volunteers for Prosperity Service Incentive Program or VFPserve program which provides eligible skilled professionals with grants to offset the cost of volunteering abroad. This is a modest program costing only \$10 million per year and yet it will significantly expand the numbers of Americans who can participate.

I support Volunteers for Prosperity and, in fact, my global service fellowship bill would have authorized that program. The amendment I am offering, which is based on my legislation, makes a few changes to the current language in title V. This is a modest amendment but reflects suggested improvements I have received from constituents, experts and organizations active in the field of international voluntarism. As we authorize the Volunteers for Prosperity office, we should make sure the office has the utmost ability to reach as many interested Americans as possible, particularly those who face financial barriers or time constraints.

In the current bill, VFPserve would help offset the cost of international volunteering expenses for prospective volunteers, provided that they match dollar-for-dollar any grant awarded through the program. VFPserve will enable many dedicated volunteers to raise the additional funds needed to pursue international projects—but by requiring the dollar-for-dollar match grants, participants in VFPserve would still be required to cover a substantial amount of their expenses.

Financial limitations are a common obstacle to international volunteering

by Americans, and I have heard from many constituents who are interested in volunteering internationally but are unable to do so due to the cost. My amendment goes an extra step to ensure that even more Americans from a range of backgrounds can volunteer abroad—not just those with the resources or time to pay for half of their expenses.

My amendment complements VFPserve by establishing the VFP Leader Program to award fixed grants that would offset up to 80 percent of the costs of volunteering abroad, including any sponsoring organization fees. In return for this higher Federal contribution, VFP Leaders must commit to sharing their experiences with their communities when they return. By continuing to serve as ambassadors once they return home, VFP leaders will be ensuring that more Americans learn about the benefits of international volunteering, and about people and places beyond our borders. In addition, my amendment would give VFPserve participants the option of raising or providing private funds to meet their matching requirements. I have heard from many organizations that the inability to raise adequate funds has stymied a number of individuals from fully participating in the program. This small tweak will open the door wider to those interested to participate in either VFP program, who may be willing and able to spend some of their own money to do so.

The VFP Leader Program would be administered by the VFP office, along with the VFPserve program in the bill. The USAID Administrator would be in charge of awarding VFP leader grants and would develop the guidelines for selecting recipients, based on the objectives laid out in the underlying bill, which include a commitment to helping reduce world hunger and combating the spread of communicable diseases. My amendment adds a few more objectives: providing disaster response, preparedness and reconstruction, providing general medical and dental care and promoting crosscultural exchange. These are all important priorities, and opportunities for Americans to bolster our global image while providing essential services.

Other than these additions, my amendment does not change the underlying authorization of VFP, nor does it change the total cost of title V. Authorization for title V will remain at \$10 million annually for the fiscal years 2010 through 2014, with half of the money appropriated for grants going to the VFP Leader Program.

I would like to thank Senator VOINOVICH, who cosponsored the Global Services Fellowship Acts of 2007, 2008, and 2009 and who is a cosponsor of this amendment. This amendment is supported by 82 international volunteer organizations such as American Jewish World Service, Cross-Cultural Solutions, and the National Peace Corps Association as well as 91 university

international programs including the University of Maryland's Office of International Programs, its School of Public Policy and its Study Abroad office, and the Fletcher School at Tufts University in Massachusetts. I would like to submit the lists with all the supporting organizations and university international programs in their entirety for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COLLEGE & UNIVERSITY MEMBERS—MARCH 2009

American University; Boston College—The Center for Corporate Citizenship; Boston University; Boston University—Center for International Health and Development; California Colleges for International Education; California State University, San Marcos—Office of Community Service Learning; Cardinal Stritch University; Catholic University; Central Michigan University Volunteer Center; City College of New York; Chilean Ministry of Education—National Volunteer Center; College of William and Mary—Office of Student Volunteer Services; Columbia University—School of International Public Affairs; Cornell University; Dowling College; Drexel University; Duke University—Center for Engagement & Duke Engage; Duke University—Global Health Institute; Emory University; and Everett Community College—World Languages.

George Mason University—Multicultural Research and Resource Center; George Washington University; Georgetown University—Center for Social Justice; Georgia Institute of Technology—Community Service; Global Citizen Year; Hartwick College; Hillsborough Community College Grants Development; Iowa State University; James Madison College; John Hopkins University; Kennesaw College; Kingsborough Community College/CUNY—Academic Affairs; Lone Star College—Tomball; Lone Star College—Tomball—Academic and Student Development; Lone Star College System—International Programs and Services; Miami Dade College; Missouri State University—International Programs and Affairs; Monroe Community College Foundation; Montgomery College Office of Equity & Diversity; and Moore School of Business.

Mount Wachusett Community College; Mount Wachusett Community College—Community Relations; NC Campus Compact; New York Medical College; New York University—Office of Global Education; North Arkansas College—Institutional Advancement; Norwalk Community College—Academic Affairs; Ohio University; Onondaga Community College—Career and Applied Learning Center; Oregon University System; Palm Beach Community College; Palm Beach Community College—President's Office; Polk Community College—Grants; Ramapo College of New Jersey; Rutgers University; Santa Monica College—Communication; Skagit Valley College—College Advancement; Southwestern Oregon Community College Service—Learning; Stanford University—Haas Center for Public Service; and State University of New York—New Paltz Center for International Programs.

Stony Brook University; Syracuse University Maxwell School of Citizenship and Public Affairs; Tufts, The Fletcher School; University of California, Berkeley—Blum Center for Developing Economies; University of California, San Diego—International Relations and Pacific Studies; Richard J. Daley College; University of Connecticut Center for Continuing Studies, Academic Partnerships and Special Programs; University of Con-

necticut Global Training & Development Institute; University of Denver—Graduate School of International Studies; University of the District of Columbia; University of Maryland—Office of International Programs; University of Maryland—School of Public Policy; University of Maryland—Study Abroad Office; University of Michigan—International Center; University of Michigan—Gerald Ford School of Public Policy; University of Minnesota—Learning Abroad Center; University of Missouri, St. Louis—Center for International Studies; University of North Carolina at Charlotte; University of San Francisco; and University of Texas at Tyler—Office of Community Relations.

University of Tulsa; University of Vermont; University of Virginia—Alternative Spring Break; University of Wisconsin—Madison Global Studies & Go Global; University of Wyoming Center for Volunteer Service, Wyoming Union; Washington University in St. Louis—Center for Social Development; Washington University in St. Louis—Gephardt Institute for Public Service; Western Connecticut State University—International Services; Western Piedmont Community College Humanities/Social Sciences; Western Piedmont Community College Student Development; and White Plains City School.

VOLUNTEERING & SUPPORTING ORGANIZATIONS—MARCH 2009

ACDI/VOCA; Action Without Borders/Idealist.org; Adventure Aid; American Bar Association Rule of Law Initiative; American Jewish World Service; American Refugee Committee; Amigos de las Americas; AngelPoints; Atlas Corps; BeGlobal; Bridges to Community, Inc.; Building Blocks International; Catholic Medical Mission Board; Catholic Network of Volunteer Services; Catholic Relief Services; Child Family Health International; Christian Reformed World Relief Committee; Citizens Development Corps; Cross-Cultural Solutions; and Earthwatch Institute.

Experiential Learning International; Fly for Good (Fly 4 Good); Foundation for International Medical Relief of Children; Foundation for Sustainable Development; Global Citizen Year; Global Citizens Network; Global Medic Force; Global Volunteers—Partners in Development; GlobalGiving Foundation; Globalhood; Globe Aware; Greenforce; Habitat for Humanity International; Hands On Disaster Response; Health Volunteers Overseas; Hope Worldwide; Hudson Institute; Innovations in Civic Participation; InterAction; and International Assoc. for Volunteer Effort (IAVE).

International Medical Corps; International Partnership for Service Learning; International Student Exchange Programs; International Student Volunteers; International Volunteer Programs Association; International Volunteer Ventures LLC (INVOLVE); Karuna International; LanguageCorps; Lifetree Adventures; Manna Project International; Medical Teams International; Mobility International; National Association of Social Workers (NASW); National Peace Corps Association; Nourish International; Operation Crossroads Africa; Partners of the Americas; Partners Worldwide; Encore! Service Corps; and PEPY Ride.

Points of Light Institute; Prevent Human Trafficking; Projects Abroad; ProWorld Service Corps; Service for Peace; SEVA; Student Movement for Real Change; The Advocacy Project; The Volunteer Family; Travel Alive; UN Volunteers; United Planet; United Way of America; US Center for Citizen Diplomacy; Volunteers for Economic Growth Alliance (VEGA); Volunteers for Peace; Volunteers for Prosperity (USAID); Winrock International; World Hope International/Hope

Corps; World Servants; Worldteach; and Youth Service America.

Mr. FEINGOLD. As we debate the Serve America Act and highlight the important role of volunteer service in our communities, we must not overlook the opportunities for volunteers to help restore our image and standing abroad. Wisconsinites have a strong tradition of public service, particularly among young people in my state and it is because of their consistent interest in such opportunities that I offer this amendment today.

International volunteering opportunities are an effective method of addressing critical human needs, building bridges across cultures, and promoting mutual understanding. In turn, this can bolster our national and global security. Though they may be working overseas, Americans who volunteer abroad are truly serving the interests of America.

The VFPserve and VFPLeaders Programs would be a valuable addition to our public diplomacy, to our development and humanitarian efforts overseas. I encourage my colleagues to support the amendment I will offer at a future time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 688

Mr. BOND. Mr. President, I rise today in support of the Crapo amendment which incorporates the Dodd-Crapo bill that I have cosponsored. Every Senator in this Chamber has heard from folks in their own communities who have lost jobs, families whose savings are disappearing, businesses that cannot meet payrolls. Unfortunately, until we solve the root of the economic crisis—our credit crisis—there will not be real relief or recovery for these struggling families and businesses.

The bottom line is our financial system is not working. It has become clogged with toxic assets. Some call them legacy assets, but they are toxic as well as old. Until they are removed, fear and uncertainty will continue to dominate the markets.

Earlier this week, Secretary Geithner released his long-awaited details on the administration's plan to solve the credit crisis. While Secretary Geithner did not take all of my advice, I am heartened that the administration has finally developed a plan to tackle the most pressing issue facing our Nation and the largest obstacle to economic recovery.

All Americans need this plan to work. Our Nation cannot afford another lost decade such as Japan faced in the nineties. No one wants to doom the Nation's families and workers to a recession any longer and deeper than the one we have already experienced. But before the Government commits trillions more in tax dollars, I hope Secretary Geithner will recognize that he owes the taxpayers some answers to some very important questions.

Unfortunately, under the previous administration and the current administration, there have been too few answers and too many questions for taxpayers about how economic rescue dollars are being spent. Instead, under both Treasury Secretaries Paulson's and Geithner's watch, billions in taxpayer dollars have been thrown down the rat hole, with no clear plan, no end in sight, and no positive return. So now, this week, the taxpayers need to hear how the administration's plan will provide accountability, transparency, and oversight of taxpayer funds.

First, Secretary Geithner needs to tell taxpayers how this plan will protect their hard-earned dollars. Taxpayers have the right to question whether they are getting a fair deal since the taxpayers are taking on the vast majority of the risks under the new public-private investment partnership initiative.

Right now, private investors only stand to lose a small amount with their invested capital, with opportunities for great returns. In other words, are we again privatizing profits but socializing losses? Do we run the risk that this ends up being "heads they win, tails taxpayers lose"? This plan is dependent on taxpayers subsidizing and excessive leveraging of private resources to purchase these toxic assets. While it is important to encourage private capital, and I believe that is the best solution, we seem to be using the same formula—but this time risking billions of taxpayer dollars—that got us into the present situation. I am concerned that the administration's plan appears to be too generous to Wall Street investors, some of whom contributed to the crisis.

The second point is, what is the ultimate cost to taxpayers? Right now, the administration projects that its plan will initially require \$100 billion in taxpayer funds to leverage up to \$500 billion in taxpayer dollars. But most estimates show there are about \$2 trillion of toxic assets in the system. I believe the taxpayers deserve to know how much Secretary Geithner's plan will really cost them.

Third, the administration and the Treasury Secretary need to explain how he will prevent the rules of the game from changing again. Since the initial rescue of Bear Stearns last summer, the previous and the current administrations have taken an ad hoc approach that has changed and shifted numerous times. This "ad hoc" has amounted to throwing billions of good taxpayers' dollars into failing banks, treating the symptoms rather than the cause, with no apparent exit strategy. This "ad hoc" has resulted in fear and uncertainty in our markets and has done nothing to hasten the much needed economic recovery. As a matter of fact, one skilled observer, Professor John Taylor, said the lack of certainty has been a great cause in the failure of the markets to respond positively to any of the previous activities.

Is the plan announced this week the one and final approach? Will the administration stick to the plan? And just as important, what about Congress? Will we allow the plan to work or will we come in later and change the rules of the game after they have been set? The administration, and I think we in Congress, must convince Wall Street and Main Street that the rules will not be changed again midgame. What expert after expert has told me, people who are looking at the market, people who want to see the market succeed, what the markets desperately need is certainty in a plan.

Finally, will banks and financial institutions holding toxic assets be willing to participate in the program? Despite what seems to be generous incentives for private investors to purchase the assets, it is not clear whether the banks will be willing to negotiate a fair deal with the Government and the partners. If banks are not willing to participate, then toxic assets will continue to clog the system. If they do not participate, will the administration finally turn to the Federal Deposit Insurance Corporation to resolve these problem banks?

Before closing, I note that we all understand we need to strengthen the ability of our regulators to prevent this kind of systemic failure from occurring in the future, but we need to consider any changes carefully. A critical first step would be our pending amendment which incorporates the Dodd-Crapo bill, S. 541, the Depositor Protection Act, to boost the FDIC's borrowing authority to deal with larger institutions and to prevent further substantial fee increases on good banks.

I heard from smaller, well-performing banks in Missouri that did not participate in the subprime and exotic loans that will bear more costs to cover the failures of the large banks that did. These smaller banks should not have to be a casualty of the mistakes of the larger financial institutions. Will the FDIC use the expanded authority that I hope we will give them to return FDIC premiums to their previous level? We need a diverse banking system. We need a system. There are over 8,000 banks of all sizes in communities and States throughout the Nation. It is my hope that this financial crisis resolution preserves that system instead of allowing it to be dominated by a few "too large to fail" institutions.

What else will the Treasury do? How will the Treasury assure these other banks will be strengthened when they are not in the top 20 on which the Treasury seems to focus?

These are just a few of the critical questions about Secretary Geithner's untested, complicated plan. We, on behalf of taxpayers, deserve answers. Taxpayers deserve to hear solutions that will work. It is more important than anything else in solving the economic crisis that we solve the credit crisis.

Our banking and financial system affects every American's standard of living, our ability to create and maintain jobs, and our ability to compete globally. We must tackle the root of this problem—the toxic assets—and lead us out of the economic crisis and help Americans get back to work.

I, like most Americans, am suffering from bailout fatigue. Rightfully so. Taxpayers are fed up over the waste of hard-earned tax dollars and the plans that have wandered all over the lot in the past. Secretary Geithner now has a tough challenge, and that is to convince the taxpayers that this plan is a smart investment that will solve the root of our economic crisis.

Mr. President, I urge my colleagues to support the Dodd amendment. I yield the floor.

The PRESIDING OFFICER. The senior Senator from Pennsylvania.

NOMINATION OF DAVID S. KRIS

Mr. SPECTER. Mr. President, I have sought recognition to speak briefly on the nomination of David S. Kris to be Assistant Attorney General in the National Security Division of the Department of Justice.

Let me say preliminarily how nice it is to see the other—I shouldn't say "the other Senator"—the Senator from Pennsylvania presiding today. I compliment Senator CASEY on an outstanding tenure for, let me see, 2 years and almost 3 months. I express my appreciation for his cooperation in working together on so many projects.

May I say further for the RECORD, since it is in black and white and not in Technicolor, I think there is a slight blush on Senator CASEY for the warranted praise.

Now on to the other subject at hand.

David Kris has been nominated for this very important position. He comes to it with excellent credentials. He is a graduate of Haverford College, a college I know very well, being my oldest son, Shanin, graduated there, and the Harvard Law School, an institution I don't know quite so well but one I hear is a very good school, not perhaps up to—well, I won't comment about that. After graduation from law school, Mr. Kris served as clerk to Judge Stephen Trott on the Ninth Circuit; was in the Criminal Division of the Department of Justice for 8 years; was Deputy Attorney General for 3 years. He has excellent academic and professional standards.

I ask unanimous consent to have Mr. Kris's resume printed in the RECORD at the conclusion of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, Mr. Kris has the commendations and recommendations of both Attorneys General for whom he worked—Attorney General Janet Reno and Attorney General John Ashcroft. John Ashcroft, our former colleague in the Senate who sat on the Judiciary Committee, described Mr. Kris's "intelligence, independence,



and wisdom” as “valuable national assets.”

After years of public service, Mr. Kris joined Time Warner and even found time to write a legal treatise on national security investigations and prosecutions. He is considered an expert on the Foreign Intelligence Surveillance Act and leading authority on national security law.

I urge my colleagues to support his nomination.

I yield the floor.

#### EXHIBIT 1

DAVID S. KRIS, ASSISTANT ATTORNEY GENERAL, NATIONAL SECURITY DIVISION

Birth: 1966, Boston, Massachusetts.

Legal Residence: Bethesda, Maryland.

Education: B.A., Haverford College, 1988; J.D., Harvard Law School, 1991.

Employment: Clerk, Judge Stephen S. Trott, U.S. Court of Appeals for the Ninth Circuit, 1991–1992. Attorney, Criminal Division, U.S. Department of Justice, 1992–2000. Associate Deputy Attorney General, U.S. Department of Justice, 2000–2003. Vice President, Time Warner, Inc., 2003–2005. Chief Compliance Officer, Time Warner, Inc., 2005–Present. Senior Vice President and Deputy General Counsel, Time Warner, Inc., 2006–Present. Nonresident Senior Fellow, Brookings Institution, 2008–Present. Adjunct Professor of Law, Georgetown University Law Center, 2008–Present. National Security Adviser, Hillary Clinton for President and Obama for America, 2008. DOJ Agency Review Team Member, President-Elect Transition Team, 2008–2009.

Selected Activities: Award, Attorney General’s Award for Exceptional Service, 1999, 2002. Award, Assistant Attorney General’s Award for Special Initiative, 1998. Awards for Special Achievement (various dates prior to 2000). Member, Edward Bennett Williams Inn of Court, 1995–2007; Massachusetts Bar, 1991–Present; New York State Bar, 2003–Present; Maryland State Bar, 2008–Present.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I join with my colleague from Pennsylvania in urging my colleagues to give an overwhelming vote to David Kris. I have had the pleasure of working with him on national security matters in my position as vice chairman of the Intelligence Committee. I believe our national security will be well served by Mr. Kris. I wholeheartedly endorse his nomination.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I also wholeheartedly endorse his nomination. He is an extremely talented, experienced intellectual in the law. I expect him to be one of the best we have ever had. I am very proud he is willing to serve in this administration and go through the processes many people are trying to avoid at this particular point.

Let me just say, as the longest serving person on the Senate Intelligence Committee, we need people such as Mr. Kris in Government. I commend the administration in cooperating and appointing him.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### NOMINATION OF DAVID S. KRIS TO BE ASSISTANT ATTORNEY GENERAL

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of David S. Kris, of Maryland, to be Assistant Attorney General.

Mr. LEAHY. Mr. President, the Senate has confirmed four nominees to fill top leadership positions at the Justice Department officials, and today we take another step forward to put in place Attorney General Holder’s leadership team. Today, the Senate turns to the nomination of David Kris to lead the National Security Division.

I thank the Democratic and Republican members of the Judiciary Committee for working with me to expedite this nomination when it was in committee. Senator FEINSTEIN chaired our Judiciary Committee hearing on his nomination on February 25. We were able to report his nomination out of the committee by a voice vote on March 5. The Senate Select Committee on Intelligence worked quickly to consider and report his nomination as well. Finally, the Senate today considers his nomination to this critical national security post.

The Judiciary Committee’s renewed oversight efforts in the last 2 years brought into sharper focus what for years had been clear—that during the last 8 years, the Bush administration repeatedly ignored the checks and balances wisely placed on executive power by the Founders. The Bush administration chose to enhance the power of the President and to turn the Office of Legal Counsel at the Department of Justice into an apologist for White House orders—from the warrantless wiretapping of Americans to torture.

Attorney General Holder has already taken steps toward restoring the rule of law. With the confirmation of David Kris to lead the National Security Division, we fill another key national security position in the Department.

David Kris is a highly regarded veteran of the Department of Justice. He is former Federal prosecutor who spent 8 years as a career attorney in the criminal division at the Department, handling complex cases in Federal trial and appellate courts, including the Supreme Court. Mr. Kris was then a political appointee under both President Clinton and President Bush, serving as Associate Deputy Attorney General

from 2000–2003, supervising the government’s use of the Foreign Intelligence Surveillance Act, FISA, representing the Justice Department at the National Security Council and in other interagency settings, briefing and testifying before Congress, and assisting the Attorney General in conducting oversight of the U.S. intelligence community.

Mr. Kris understands the role the Bush administration’s excesses have played in undermining the Department of Justice and the rule of law. In 2006, Mr. Kris released a 23-page legal memorandum critical of the legal rationale offered by the Bush administration, and in support of the legality of the National Security Agency’s warrantless wiretapping program. Mr. Kris was an early advocate for the creation of the National Security Division he has now been confirmed to lead, leaving a lucrative practice as an in-house counsel for a major corporation to return to government service.

Mr. Kris’ nomination has also earned support from both sides of the aisle. Former Bush administration Solicitor General Ted Olson, who worked with Mr. Kris at the Department, describes Mr. Kris as “a very sound lawyer,” who “is committed to the defense of the United States and its citizens, and respects the rule of law and civil rights.” Former Deputy Attorney General Larry Thompson, who asked Mr. Kris to remain in his post during the Bush administration, writes that he asked Mr. Kris to stay after finding that “he had a passion for national security issues but also a deep respect and appreciation for the related civil liberties concerns.” Former Bush administration Homeland Security Secretary Michael Chertoff and former Attorneys General Janet Reno and John Ashcroft have all written in support of Mr. Kris’ nomination.

President Obama has reminded Americans and the world that, “to overcome extremism, we must also be vigilant in upholding the values our troops defend—because there is no force in the world more powerful than the example of America.” The President reminded us that “living our values doesn’t make us weaker, it makes us safer and it makes us stronger.”

David Kris understands the moral and legal obligations we have to protect the fundamental rights of all Americans and to respect the human rights of all. He knows, as do the President and the Attorney General, that we must ensure that the rule of law is restored as the guiding light for the work of the Department of Justice.

I congratulate Mr. Kris and his family on his confirmation today.

Mrs. FEINSTEIN. Mr. President, I rise today in strong support of the nomination of David S. Kris to be Assistant Attorney General for National Security.

Mr. Kris was nominated by President Obama on February 11, 2009, to fill this important position. Since then, his

nomination has been considered by the Judiciary Committee and then sequentially by the Intelligence Committee. I had the honor of chairing both of these hearings, so am as familiar with any Member with his record.

Both the Judiciary Committee and Intelligence Committee favorably reported the nomination without dissent.

The position of the Assistant Attorney General for National Security was created in the USA PATRIOT Improvement and Reauthorization Act of 2005 out of recognition that there should be a single official in the Department of Justice who is responsible for national security.

The Assistant Attorney General is the bridge between our Nation's intelligence community and the Department of Justice. He or she represents the Government before the FISA Court and is also the Government's chief counterterrorism and counterespionage prosecutor.

David Kris is highly qualified for this critically important national security position.

He has both figuratively and literally "written the book" on national security.

Mr. Kris spent 11 years as a prosecutor in the Justice Department, and he knows its national security functions well.

During the Bush administration, he was the Associate Deputy Attorney General for national security, where he litigated national security cases and oversaw intelligence activities. When Congress considered merging the Department's national security functions under a single office, Kris was one of the experts consulted.

After leaving Federal Government service, Mr. Kris remained very active in the field of national security law. He coauthored of the most widely used legal treatise in this area. His book, titled "National Security Investigations and Prosecutions", provides a step-by-step analysis of all of the law that governs Government activity in response to terrorist threats.

During the debate last year over rewriting the Foreign Intelligence Surveillance Act, Mr. Kris spent significant amounts of his personal time meeting with personnel from both the Judiciary and Intelligence Committees to offer his expertise and judgment.

In addition to his expertise, Kris has received high marks for his commitment to the rule of law. Both committees to consider his nomination received numerous letters of support from distinguished legal and privacy rights officials and experts. Those letters are in the hearing records at both committees.

It is important for the Senate to consider this nomination and confirm Mr. Kris. Simply put, the Department of Justice needs him to get to work.

The Assistant Attorney General position, currently vacant, is the primary official overseeing the Foreign Intelligence Surveillance Act implementa-

tion and signs applications going to the FISA Court.

Because of the legislation passed last year, Mr. Kris will need to start immediately to prepare new certifications and supporting materials that the executive branch will have to submit to the FISA Court. As such, he would be the official at the Department of Justice most directly involved in questions of setting minimization and targeting procedures, reviewing the Attorney General's guidelines under the act, and making sure that the intelligence collection is carried out faithfully under the law.

Separately, an Assistant Attorney General should be playing a key role in the executive branch review of how to handle individuals currently held at Guantanamo Bay. Mr. Kris has answered numerous questions on this topic during his confirmation hearings and shares my view that there must be an appropriate legal process upholding any decisions to detain individuals. However, he also believes, correctly in my view, that great care must be taken to ensure that anyone at Guantanamo who is transferred to other nations must not be allowed to pose a continuing threat to our national security.

I am pleased that this nomination has finally reached the floor, and I urge the confirmation of David Kris.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of David S. Kris, of Maryland, to be Assistant Attorney General?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 109 Ex.]

YEAS—97

Akaka  
Alexander  
Barrasso  
Baucus  
Bayh  
Begich  
Bennet  
Bennett  
Bingaman  
Bond  
Boxer  
Brown  
Brownback  
Bunning  
Burr  
Burris  
Byrd  
Cantwell  
Cardin  
Carper

Casey  
Chambliss  
Coburn  
Cochran  
Collins  
Conrad  
Corker  
Cornyn  
Crapo  
DeMint  
Dodd  
Dorgan  
Durbin  
Ensign  
Feingold  
Feinstein  
Gillibrand  
Graham  
Grassley  
Gregg

Hagan  
Harkin  
Hatch  
Hutchinson  
Inhofe  
Inouye  
Isakson  
Johanns  
Johnson  
Kaufman  
Kerry  
Klobuchar  
Kohl  
Kyl  
Landrieu  
Lautenberg  
Leahy  
Levin  
Lieberman  
Lincoln

Lugar  
Martinez  
McCain  
McCaskill  
McConnell  
Menendez  
Merkley  
Mikulski  
Murkowski  
Murray  
Nelson (FL)  
Nelson (NE)  
Pryor

Reed  
Reid  
Risch  
Roberts  
Rockefeller  
Sanders  
Schumer  
Sessions  
Shaheen  
Shelby  
Snowe  
Specter  
Stabenow

Tester  
Thune  
Udall (CO)  
Udall (NM)  
Vitter  
Voinovich  
Warner  
Webb  
Whitehouse  
Wicker  
Wyden

NOT VOTING—2

Enzi

Kennedy

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table. The President will be immediately notified of the Senate's action, and the Senate will resume legislative session.

## LEGISLATIVE SESSION

### NATIONAL SERVICE

#### REAUTHORIZATION ACT—Continued

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMERICAN AND CHINESE ECONOMIES

Mr. BROWN. Mr. President, the current financial crisis paints our economic relationship with China in broad relief. Our economies are not healthy, China's economy, the economy of the United States. And worse, these two countries' economies, ours and China's, are codependent.

The U.S. official unemployment rate is 8.1 percent. In my State of Ohio, it is 9.4 percent, the highest rate inflicted on our State in 25 years. Meanwhile, tens of thousands of factories in China have closed over the past 6 months.

China is one enormous export platform, and the United States is its biggest customer. We, for all intents and purposes, have stopped buying. Morgan Stanley economists report that exports account for 47 percent of the economies of China and other East Asian nations. Literally 47 percent of their economy, almost half of their economy, is devoted to export in China and other Eastern Asian countries, while in our country, the United States, consumption accounts for 70 percent of our GDP. This economic codependency has bred a dangerously skewed financial relationship. As revenues flow out of the United States and into China, China has become our biggest lender. Imagine what that is going to look like if we continue these policies in the years ahead. What it means for sovereign wealth funds, the collection of United States dollars held by Chinese banks, Chinese Government treasury, Chinese businesses, the number of United States dollars, because of their trade surplus, coming from our trade deficit situation—I do not need to detail the

risk that relationship breeds. But its roots lie in our economic codependency, and our economic codependency is rooted in our Nation's passive trade policy.

Senator SANDERS and Senator WHITEHOUSE, joining me on the floor, with the Presiding Officer, all understand what these trade agreements have done, this passive trade policy that we have practiced for more than a decade, what that has done to our country.

Ohio is one of the great manufacturing States in our Nation. We make paper, steel, aluminum, glass, cars, tires, solar panels—one of the leading States in the country manufacturing solar panels—polymers, wind turbines, and more. Look around you today and you will see, wherever you go, something that was made in Ohio.

So let's look at a typical Ohio manufacturer and compare that with a Chinese manufacturer. The Ohio manufacturer has a minimum wage to pay his workers, as he should. The Ohio manufacturer has clean air rules, safe drinking water rules, workplace rules, product safety standards by which to abide, helping to keep our workers healthy and productive, helping to keep customers safe, helping to create a better, more humane society.

Worker safety, environment, public health, treating workers properly, these are all things our country and the values it represents has brought to us. The Chinese manufacturer has no minimum wage to maintain, is allowed to pollute local water sources, is allowed to let workers use dangerous and faulty machinery and, frankly, whether it is in a vitamin or food of some kind, is allowed to use, too often, toxic substances, such as on children's toys with lead-based paint, things such as that. Chinese manufacturing doesn't do any of the things the Ohio manufacturer does.

The Ohio manufacturer pays taxes, health benefits, pays into Social Security and Medicare, typically allows family leave, and gives WARN notices when there is a plant closing. The Chinese manufacturer does little of that, but the Chinese manufacturer also allows child labor, which is expressly forbidden in this country. The Ohio manufacturer generally receives no government subsidies. The Chinese manufacturer often receives some subsidies for the development of new technologies and, often, subsidies for export assistance. The Chinese manufacturer benefits from China's manipulation of its currency which gives it up to a 40-percent cost advantage.

The Ohio manufacturer is going green, investing in new technologies and efficiency to create more sustainable production practices. Ohio manufacturers are part of the movement to become more energy efficient. They will do their job to reduce carbon emissions but not at the expense of jobs if China and other countries don't take comparable action. When an Ohio man-

ufacturer petitions for relief, when he says, "I can compete with anyone, but this is not a level playing field;" when the Ohio manufacturer says he wants to emit less carbon but needs to see that his competitors from China bear the same cost on similar time lines, what does the Chinese Government say? They call it protectionism.

Last week Energy Secretary Chu noted in a hearing that unless other countries bear a cost for carbon emissions, the United States will be at a disadvantage. The Chinese official responded:

I will oppose using climate change as an excuse to practice protectionism on trade.

Chinese officials are quick to call us protectionist, a country that has an \$800 billion trade deficit, despite all the protections the Chinese afford its manufacturers. Meanwhile, the United States has the world's most open economy, as we should.

Of course, Chinese officials are often joined by highly paid American CEOs, by Ivy League economists, by editorial boards at darn near every newspaper in the country in calling any effort to rebuild American manufacturing protectionist. In newspapers around the country, when we fight for American jobs and say we need a level playing field, newspapers will say we are protectionist. That is why there is such a sense of urgency about changing this manufacturing policy. China's industrial policy is based on unfair trade practices. It involves direct export subsidies and indirect subsidies such as currency manipulation and copyright piracy, hidden subsidies such as lax standards and low labor costs, and unenforced environmental rules. In total, it results in millions of lost jobs—in Erie, Pittsburgh, Philadelphia, Cleveland, Youngstown, Sandusky, Zanesville, and Lima, all over the States.

It is also depressing wage and income levels worldwide, while China's exploitation of environmental and health and safety standards injures Chinese, sometimes kills Chinese workers and citizens, and adds to our climate change challenges. The health of our economy, the strength of our middle class depends on how Congress and how the Obama administration engages with China on these issues.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, the Senate at 12:33 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. KAUFMAN).

#### NATIONAL SERVICE

#### REAUTHORIZATION ACT—Continued

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that Senator REED from Rhode Island be recognized first, for up to 5 minutes, and then I be recognized, following him, for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in strong support of H.R. 1388, the Serve America Act. I particularly commend Senator MIKULSKI for her leadership on this very important initiative. She has done more than anyone to bring this bill to the floor and it being on the verge of successful passage. I say thank you, Madam Chairwoman as well as Senators KENNEDY, HATCH, and ENZI for your excellent work on this bill.

This bipartisan legislation reauthorizes the National and Community Service Act for the first time since 1993. It strengthens our commitment to the importance and value of national and community service for individuals of all ages.

I was pleased the American Recovery and Reinvestment Act that was signed into law last month included \$154 million for AmeriCorps State and national programs and AmeriCorps VISTA. This funding is estimated to engage 13,000 additional individuals in service to their communities. In his address to Congress last month, President Obama encouraged "a renewed spirit of national service for this and future generations" and called for quick congressional action on the legislation we seek to pass today.

There are a variety of ways to serve your country. You can serve in the Armed Forces, as I did, or you can serve in your community, as so many Americans are doing today. More than ever, being a good citizen means not only working hard and providing for one's family but also being an engaged and contributing member of the community, and particularly to those most in need in your community.

We make ourselves better by engaging in service that gives back to our communities and makes our society better, through teaching, mentoring and tutoring children, cleaning up rivers and streams, building housing for the homeless, and addressing the medical needs of the ailing, to name a few endeavors that are so critical.

The AmeriCorps, Learn and Serve America, and Senior Corps programs have greatly benefitted my State. Rhode Island has a proud tradition of service and was one of the first States to embrace the AmeriCorps program. More than 14,000 Rhode Islanders participated in those programs last year.

Participants in these programs are given an opportunity to learn as well as an opportunity to serve. In the act of serving their community, participants often make a difference in their own lives—developing their own knowledge, skills, character, and self-esteem, and incorporating an ethic of civic responsibility for the rest of their lives.

As a cosponsor of this legislation, I am particularly pleased that this bill includes changes I advocated to maximize Rhode Island's funding through the AmeriCorps and Learn and Serve programs. The Serve America Act includes a statutory small State minimum for the AmeriCorps and Learn and Serve formula programs for the first time. It also includes a provision I authored to ensure that small, innovative AmeriCorps programs such as those found throughout Rhode Island get their fair share of competitive grant funding. Additionally, I am pleased that this legislation includes changes I sought to encourage volunteers to focus on helping low-income individuals find affordable housing.

This is legislation that is important. It is critical. It lives up to our highest traditions as a nation; that is, to be something more than one who enjoys their rights but also who discharges their responsibilities through service to the community and the Nation. I urge passage.

The PRESIDING OFFICER. The Senator from Texas.

#### THE BUDGET

Mr. CORNYN. Mr. President, I am a member of the Budget Committee. Senator CONRAD is our chairman. Senator GREGG is our ranking member. As the Senate knows, this week we will be taking up the President's proposed budget, and I want to speak for a few minutes about that subject.

Yesterday I had the opportunity to speak to a number of students who were here because they want to make sure Congress continues to provide them an opportunity to study at our Nation's community colleges. I am a strong believer in the role of community colleges as a less expensive yet outstanding opportunity to earn a good education, but it being also a part of our workforce development and training, where industry can come in and match up a curriculum to train people to perform jobs for which they can receive well-paying salaries.

But yesterday these community college students, of course, were here to talk about the issues that are on their mind. They heard from Dr. Jill Biden and Secretary Duncan, among others. I appreciate how eager they were to learn what is going on here in Washington. Indeed, I bet there are a lot of people who would like to know what is going on here in Washington.

I encouraged them to learn about the issues and express their views. I told them that as far as I can tell, their generation will bear the consequences of the reckless spending this Congress is engaged in, in a budget that simply spends too much, taxes too much, and borrows too much.

Students will ultimately end up—after they finish their education and enter the workforce—paying those higher taxes under this proposed budget. This proposed budget calls for \$1.4 trillion in additional net taxes over the next 10 years.

Students are trying to figure out how these higher taxes will actually impact the opportunities they will have as they enter the workforce. Some of these taxes will hit these students at the toughest time; that is, right as they enter their first job.

We know the engine of job creation in America is our small businesses. In fact, of those small businesses that employ between 10 and 500 employees—which are the principal job creators in our country—50 percent of them will experience higher tax rates because many of them are not incorporated. They are sole proprietorships. They are partnerships. They are subchapter S corporations, where the income actually flows through and is reported on an individual tax return.

So it is not true to say these will only affect the rich. Indeed, these taxes will affect the very job engine that creates the jobs we ought to be worried about retaining and indeed creating more of.

I also talked to these students about how they will feel the impact of higher energy costs on their electric bill. You may wonder what I am talking about. Well, we all care about the environment. As a matter of fact, I reject the notion of people who actually say: Well, we care about the environment, and you do not care. I think we all care about the quality of the air we breathe, the quality of the water we drink. I cannot imagine someone who does not.

These students, though, I think are understandably skeptical of the complex and unproven cap-and-trade scheme the President's budget wants to import from Europe, which will actually ultimately increase the cost of energy, including electricity. That is why some people have called it a national sales tax on energy, if, indeed, this complex and unproven cap-and-trade plan is passed as part of the President's budget.

Then there is the issue of the caps placed on charitable deductions for taxpayers who take advantage of that tax break when they contribute money to good and worthy purposes. Many community college students receive scholarships from foundations that are funded by charitable contributions. As a matter of fact, charitable giving is one of the things that is part of our Nation's great tradition of voluntarism—something Alexis de Tocqueville called “public associations”—things you do not get paid for but things that people do because they think it is the right thing to do and they have the opportunity to do in our great country.

This budget would actually cap charitable contributions, which will actually reduce the tax incentive for individuals to contribute money to good causes such as the Tyler Junior College Foundation in Tyler, TX. The foundation is understandably concerned that raising taxes without increasing the charitable tax deduction will limit their ability to offer as many scholarships in future years.

So these tax increases will, in effect, limit the opportunities for these community college students, including folks in my State, in east Texas, in Tyler, TX.

Then there is the issue of raising taxes generally and spending. These students know Congress is already spending a whole lot of their money because it is all borrowed money. In fact, we have spent more money since this Congress convened this year than has been spent for the Iraq war, the war in Afghanistan, and in Hurricane Katrina recovery. We have done that already. And this budget calls for doubling the debt in 5 years and tripling the debt in 10 years.

These students, understandably—because they are going to be the ones we are going to look to to pay that money back or bear that tax burden—should be concerned and, indeed, they are concerned that so much money is being spent so recklessly. In fact, it is impossible for me to imagine it will be spent without huge sums of money actually being wasted.

We have already seen evidence of that. In the stimulus bill—the President said he wanted on his desk in short order, which was rushed through the Senate and through the Congress—\$1.1 trillion, including the debt and interest on the debt—we found out, once we passed the next bill, which was a \$410 billion Omnibus appropriations bill, that, lo and behold, Congress had actually doubly funded 122 different programs in the bill. We acted with such haste, with such little care, with such little deliberation, that we found out we doubly funded 122 programs.

Indeed, we found out in recent days that in the conference report on the stimulus bill, there was a provision stuck in the conference report that protected the bailout bonuses for the executives of AIG. Then, of course, there was the understandable uproar over that. That is what happens when a bill is printed and circulated at 11 o'clock at night, on a Thursday night, and we are required to vote on it in less than 24 hours the next day. That is not the kind of transparency, that is not the kind of accountability, that is not what will actually give people more confidence in their Government-elected officials. To the contrary. There is another provision in this omnibus bill that has essentially started a trade war with Mexico, something that causes me grave concern.

So as we consider the President's \$3.6 trillion budget proposal, we should remember the lessons of the past 2 weeks: spending so much money, so quickly, can lead to unintended consequences, to say the very least, but the biggest consequence of this budget is the amount of debt we are accumulating. I have already talked about it a minute.

But, of course, we were shocked, and I think even the President and the administration were shocked, by the Congressional Budget Office, the non-partisan office which evaluates financial matters for Congress, which said the President's budget will actually create deficits averaging nearly \$1 trillion a year for the next decade.

I mentioned the fact that it would double the debt in 5 years, triple it in 10 years. The Congressional Budget Office said the size of the national debt as a percentage of the economy will become the highest since the years after World War II.

So these students who start college this year will see their share of the national debt grow from \$19,000 per student to more than \$36,000 per student after graduation from a 4-year program. By 2019, their share of the debt will grow to more than \$55,000 per person. Can you imagine, with the money they have to borrow to fund their education, with their credit card debt—and I do not know any student who does not have sizable credit card debt—we are going to heap \$55,000 in additional debt on these students. That is a tough way to start out your life after school as you start your first job. Today's college students will ultimately have to pay back the debt, as well as the generations that succeed them. All bailouts, one way or another, will come out of their pocket.

I urge my colleagues to understand the impact on this younger generation of a budget that taxes too much, spends too much, and borrows too much. Because of our actions, the next generation will either have to raise more taxes or cut programs that are necessary or lower their standard of living.

I know from my parents, members of the "greatest generation," the one thing they aspired to more than anything else was that my brother and my sister and I would have a better life, more opportunities, more freedom, a better standard of living than they did. And they were willing to sacrifice for that, and sacrifice they did. But it seems to me the sacrifices we are calling for today are all on our children and grandchildren, and none upon the present generation.

The President says he wants to make hard decisions. But I do not see any hard decisions in this budget. All I see is more borrowing, more taxing, and more spending, and that is exactly the wrong way we ought to be headed.

Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, we know our planet is in danger, and later this year we will be debating a climate bill to address our environmental chal-

lenges. I am glad to see my colleagues from the other side of the aisle are doing their part for the environment by recycling 15-year-old talking points on the budget.

President Bush left us a terrible mess: high unemployment, high deficits, millions without health care. I am referring to the first President Bush and the mess inherited by President Bill Clinton. One of my colleagues at the time said Clinton's budget would "destroy the economy." Well, I think everyone knows the Clinton years did not destroy the economy. In fact, they created about 22 million new jobs.

Let's look at some of the newspaper headlines from back then. First of all, just this week, Politico's banner headline was: "GOP Warns About Budget Hardball." That is what we have been hearing on the floor—hardball, people coming down time after time attacking President Obama's budget.

But back in 1995, we heard the same thing: "GOP Plan for Budget to Take No Prisoners."

In 1993: "GOP's Politics of No." Sound familiar? GOP's politics of no.

In 1993: "One-Word Vocabulary Hobles GOP. Republicans Grouse as Senate Takes Up Budget Bill." You could recycle and, in fact, that is what they are doing, every single one of these comments and every single one of these headlines.

The American people voted for change last November. They are tired of all of this. They are tired of the nay-saying, the doom and the gloom. They deserve better than a Republican repeat, and that is, unfortunately, what is happening: a Republican repeat, same old politics, same old politics of no, slow-walking, filibustering; same old policies; every problem should have a tax cut for the wealthy. That is what got us into this mess.

We hear the same old thing from our colleagues on the other side of the aisle. We hear no to health care reform and the budget, no to creating 3.5 million new jobs through the recovery plan. We hear no to increasing oversight of our financial sector. We hear no to extending unemployment for those most in need. Certainly, in my great State of Michigan the answer has been no. To a commonsense budget that provides middle-class tax cuts and will cut the deficit in half in 4 years, what do we hear? No.

The budget we are working on now focuses on the real problems affecting American families, the things that people sit down with their families and struggle over every day. The Obama budget invests in America's future by focusing on jobs, by focusing on health care, by focusing on energy independence, and education. That is what our families are concerned about as they are trying to juggle what to pay first amidst the crisis they feel today.

This is a budget we need to do right now. We need to move past the politics of no and start working together to do what is right for American families. I

urge my colleagues to look past the next election cycle and to pass this budget to get America back on track again.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 688

Mr. CORKER. Mr. President, I rise to speak regarding amendment No. 688, the Crapo-Corker amendment. I say to the Senator from Michigan, this is an opportunity for us all to say yes.

This is an amendment that is very important to people all across the country. What this amendment does is it gives the FDIC the ability to have a line of credit that today is at \$30 billion, and it gives them a line of credit up to \$100 billion. The FDIC was put in place in 1991 when banking assets in our country were at \$4.5 trillion. Today, bank assets in our country total almost \$14.7 trillion. We have an FDIC today that is hamstrung because of the financial crisis in which we find ourselves. So this amendment would raise that line of credit from \$30 billion, which is an ancient establishment, to \$100 billion.

Secondly, what it would do is give the FDIC—with certain signatures required from the Fed, from the Treasury, from others—access to a \$500 billion line of credit in the event they need it to seize an institution to protect depositors. So this does two things.

To make this relevant to people who will be voting on this amendment, hopefully, this afternoon, I think all of my colleagues know the FDIC has just put in place a special assessment. My guess is every person in this body has heard from community bankers and regional bankers and even larger establishments about this special assessment.

I know in Tennessee, many of the community banks actually would have to spend an entire quarter's earnings to pay this special assessment. So by doing what we are doing in this amendment, we actually give the FDIC time to amortize that special assessment over a number of years which will cause it to be far more palatable for community bankers, in particular, who have had nothing whatsoever to do with the financial crisis in which we find ourselves.

Secondly—and I think this ought to be equally important to people here—this gives the FDIC the ability to move into an organization quickly and to seize it to protect depositors' accounts.

I know right now the fund is running thin. My guess is that could affect—and actually the FDIC has lobbied for this—this might affect future actions if they don't feel as though they have the resources necessary to go into an organization to do the things they need to do to make sure depositors are protected.

This action is action for which I would imagine we could almost get unanimous support. As a matter of

fact, my guess is we could voice vote this. As a matter of fact, I hope that will occur this afternoon.

In the past, this legislation has been held hostage to what is called the cram-down provision. The cram-down provision has been before this body. It was defeated overwhelmingly. Numbers of Democrats thought it was bad legislation. There have been a few Senators who have tried to attach cram-down to this legislation that we will be voting on this afternoon and tried to extort action on cram-down by virtue of holding this very good piece of policy at bay.

It is my hope this afternoon that we will do something that is very important, especially to community bankers across the country but also to depositors to make sure we have the ability to protect them: that the FDIC has the ability to move quickly. Move aside from extortionary politics and move toward doing something that is good for our country, good for community bankers, and certainly very good for depositors all across this country.

Mr. President, I thank you for this time. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, first, I wish to say with respect to the Serve America Act, let me compliment the committee chair and the ranking member. This is a good piece of legislation. I am proud to support it. I also wish to say I have an amendment I hope we will be able to accept by voice this afternoon. It is the amendment that calls for a tribal liaison to the Corporation of National and Community Service in order to keep Indian tribes in this country fully involved in this process.

Some of the highest rates of unemployment in this country exist within Indian tribes. The opportunity to participate in, for example, the National Committee Service Program would be very important. So I know this amendment is supported by the chair and the ranking member, and I hope we can accept it by voice vote at some point this afternoon.

Mr. President, I would inform Senator MIKULSKI that I wanted to describe to my colleagues something that is happening in our State as I speak, and I wanted to do so in morning business so it doesn't interrupt the flow of the debate over this bill. So I ask unanimous consent to speak as in morning business to describe the flooding threat that is occurring in my State at this moment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The further remarks of Mr. DORGAN are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, later this afternoon we are going to be voting on the Crapo amendment, No. 688, to increase borrowing authority for the

FDIC. I will not be supporting the Senator's amendment even though I agree there is much about the policy in the amendment that I agree with. It might be a good idea, but it is in the wrong place.

The bill pending before the Senate is the national service bill. It is the result of bipartisan, bicameral work—very complicated bipartisan, bicameral negotiations—on which we have strong support from a range of Senators and strong support from the administration. Introducing contentious housing and economic issues into this debate would jeopardize the bipartisan support we have on this bill and could wreak havoc in the conference we will be facing with the House. We don't want to be in havoc with the House. It is one thing to be negotiating assertively, representing a Senator's viewpoint with the House on national service and what is the best, most prudent, and affordable way to do it, but if we have to carry over to the House an amendment dealing with FDIC and insurance—that really belongs on another bill.

I encourage our colleague, Senator CRAPO, to withdraw the amendment. I really would not like to reject the idea, but that is the Banking Committee's jurisdiction. As I understand it from the chairman and ranking member of the Banking Committee, this is a substantive issue they intend to take up in their committee.

I say to my colleagues on both sides of the aisle, if Senator CRAPO insists upon a vote, that we really not pass his amendment. For all of those who think the policy has merit, I don't dispute that. But that is for another forum. That is for a Banking Committee forum. That should be hashed out in the Banking Committee, and then recommendations would be brought to the respective caucuses of both the Democrats and Republicans so that we can have a substantive discussion.

I must say that to increase the borrowing authority of the FDIC from \$30 billion to \$100 billion should not be done on a shoot-from-the-lip. That is what this amendment is, all due respect to my colleague. Just kind of dumping it on national service is a shoot-from-the-lip amendment. I think it deserves more caution and consideration. We are talking about raising the borrowing authority by \$70 billion just when everybody is saying: Hey, Obama is taking on too much. I think we are taking too much on in an amendment with the national service bill.

I say to my colleague, please withdraw your amendment. If you insist upon a vote, I am afraid I will have to oppose you in a very vigorous way. Perhaps, if done appropriately through the Banking Committee and it comes before the Senate in the regular order, I might be in the "aye" column.

So when we do vote on that, that is the category I will be in. As I understand it, we will be voting on that amendment this afternoon. There is still time for the Senator to come over

and withdraw his amendment. I say this in the most respectful way because I know how strongly he feels about it. He has a lot of expertise on that, and I would like to see that expertise channeled to the right place, at the right time, with the right amendment, on the right bill.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that at 3 p.m., the Senate resume consideration of amendment No. 688; that if a budget point of order is raised against the amendment and a motion to waive the applicable point of order is made, that immediately thereafter the Senate proceed to vote on the motion to waive the point of order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. KYL. Mr. President, President Obama has said he wants to encourage "a renewed spirit of national service for this and future generations." I submit that we can all agree on the value of promoting voluntarism. Volunteers are essential to the survival of many charitable organizations in America. But I believe S. 277 diminishes the true spirit of volunteering, first, by providing taxpayer-funded benefits such as monthly stipends and housing to participants—this financial support for volunteers will cost over \$5 billion, which is a lot of money for volunteering—and secondly, by redefining volunteering as a taxpayer-funded political exercise in which Government bureaucrats can steer funding to organizations they select.

In the past, service organizations mandated by the Government have not been constrained from providing funds to organizations with political agendas, and this bill is no different. While the Mikulski substitute amendment to the bill adds a limited constraint, the political direction of the bill is still apparent. It attempts to direct resources to five newly created corps—three that aim to influence health care, energy and the environment, and education; that is, groups that reflect the key aspects of President Obama's domestic agenda. For instance, the bill would allocate funds to a newly created Clean Energy Corps in which participants would improve energy efficiency in low-income households. All well and good, but the bill would also require the Clean Energy Corps to consult with energy and labor and the Environmental Protection Agency. Among the activities of the new Clean Energy



Corps would be reducing carbon emissions. How reducing carbon emissions can be achieved by volunteers has not been made clear. Is this, in fact, an attempt to create federally subsidized "green jobs" in areas already served by other Government programs or traditionally served by State, local, and private community service organizations?

Another problem with the bill is its failure to eliminate programs that are not working. Current national service programs being funded, such as Learn and Serve and the AmeriCorps National Civilian Community Corps, have not been successful. On its Web site, expectmore.gov, which provides a database of Federal program performance results, the Office of Management and Budget has categorized both of these programs as not performing and ineffective.

Finally, there are the costs associated with the programs. The Congressional Budget Office estimates that the costs this year will top \$1 billion and will cost another \$5.7 billion from 2010 to 2014 to expand the program from the current 75,000 participants to 200,000 participants by 2014.

There is ample reason to conclude that these programs are not worth another \$5.7 billion. I realize we have gotten to the point where \$1 billion does not mean what it once did. But S. 277 would saddle taxpayers with another multimillion dollar bill at a time when we should be cutting back, not finding new ways to spend.

The spirit of voluntarism is alive and well in America. I see it in my own State of Arizona. Could we agree that maybe there is one area of our society in which we do not have to add more Government? I think volunteering to help our neighbors might be a good place to start.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, very briefly, I gather Senator MIKULSKI has already addressed this point, but I see my very good friend from Idaho, Mr. CRAPO, here as well, the author of the amendment. I commend him for it. I know this is going to sound awkward because there is going to be a procedural issue we are going to vote on shortly.

My colleague should understand the procedural differences should not reflect substantive differences at this point. We agree with what he is trying to achieve. There is an issue here involving a budget point of order, as well as a determination, I know, by the authors of this bill—Senator MIKULSKI, Senator KENNEDY, Senator HATCH, Senator ENZI, the principal authors—to try

to achieve a bill that can move quickly dealing with national service.

But the underlying amendment by Senator CRAPO is one that I think is universally supported—there may be some who disagree, but I do not—that this has a lot of merit and we need to deal with it in conjunction with other matters, with which my colleague from Idaho is very familiar, dealing with the FTC, some safe harbor provisions from Senator MARTINEZ dealing with the foreclosure issue, and several other points as well. We are trying to include these as an overall package which we are working on and hopefully can complete maybe before the recess. I don't want to commit to that but certainly quickly because there is a sense of importance to these matters.

I want my colleagues to know, particularly my friend from Idaho, that supporting a motion dealing with a budget matter here is not a reflection of the substance of his amendment.

We talked privately about this issue, but I wanted to say so publicly as well, and that as chairman of the committee of jurisdiction, we will move as quickly as we possibly can to deal with this and related matters.

Again, I wish my colleagues to know that as well, but that is the rationale behind this particular moment.

Again, I thank my colleague from Idaho for raising this important issue. He is a valued member of the committee and made a very worthwhile suggestion, certainly one we will, in my judgment, incorporate as part of this larger package.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I thank my committee chairman, Senator DODD, of the Banking Committee for his comments. I appreciate our working relationship and the commitment he made on not only this issue but a number of issues of importance facing our financial institutions and the reform we need to deal with in Congress. I look forward to working with him on that matter.

I also thank Senator MIKULSKI for her patience as we brought this issue up on her bill. I truly do appreciate her patience and her understanding. I understand what the procedure is going to be and what the votes are going to be in a few minutes. I recognize that. I do realize we have a procedural issue here, but we also have a very critical financial issue.

As Senator DODD has so well stated, this is an issue on which we have broad bipartisan agreement. I appreciate his commitment to work with us in an expeditious manner so that we can get this legislation put into law as soon as possible. There is an urgency. It is not an emergency yet and we have a little bit of time to deal with it, but there is an urgency. I appreciate Senator DODD's recognition of that and his willingness to work with us on this issue.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I wish to ask the manager of the bill if I may bring up a couple of my amendments. We gave the amendments to her staff about 4 hours ago. I was recently informed I was not going to be able to get those amendments up and pending. The majority leader of the Senate asked us to get amendments up. I cleared my schedule to make sure I could come over and get my amendments up. Now I am told by Senator MIKULSKI's staff that there would be objection to getting any more amendments pending.

Ms. MIKULSKI. Mr. President, I say to my colleague from Nevada, there seems to be some confusion about this matter. We do want to address his amendments. We have been working on his side trying to queue up those amendments. Perhaps during this vote he and I can talk. I think there was confusion about where there are some roadblocks. Let's talk during the vote.

Mr. ENSIGN. I appreciate that.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I wonder if I may have permission to ask the Senator from Connecticut a question.

Mr. President, I stepped in after the dialogue was taking place on the floor. My understanding is that the Crapo amendment that actually is part of the original bill—that you are very much a part of and have allowed—is going to come up in an expeditious manner. I wonder if we have a commitment from the chairman, whom I respect and certainly enjoy working with very much, that it come up unattached to a cram-down so that we don't have the extortion of that issue being attached to this.

I didn't hear that, so I wanted to know if that was also part of the commitment.

Mr. DODD. Mr. President, I appreciate my colleague from Tennessee having very good ears in all of this. I can't dictate what all is going to be included in the amendment. My colleague, of course, is aware that there are a number of our colleagues who are very interested in the cram-down—as you call it—provision dealing with the bankruptcy law and primary residences. So I cannot give the assertion that a final package will or will not include that. That will largely depend on how these negotiations proceed.

That is the reason we are not prepared today to go forward with this proposal, along with others as part of this package. And I know there are strong feelings on both sides of that question in this Chamber. So I know I have been asked to give that assertion, which I cannot give, obviously, any more than I could give an assertion that other pieces Members are interested in would be excluded or included at a moment like this.

What I have said to my colleague—and I will repeat to my good friend

from Tennessee, with whom I enjoy a very good relationship—is that this is a very important matter my friend has raised. I agree with him on the substance of it. It needs to be done expeditiously. It is a serious issue. There are others, dealing with the Federal Trade Commission and others, which need to be a part of a package that our bankers—particularly our community bankers—are very interested in.

I also know there are strong feelings about the cram-down provisions. But as I have said to my colleague from Idaho and others, I cannot today stand here and dictate the outcome of a matter on which there are strong feelings and opinions in this Chamber. We will deal with that as we normally do, through the normal process, one way or the other.

At this particular moment, given the fact that we need to deal with this in a more complete fashion, there is a budget point of order on this matter and, clearly, the authors of this bill, the pending matter, would like to move this matter without having extraneous material added to it. So for all those reasons, I will be supporting the motion of the Senator from Maryland so we can move along with the matter. But that is the answer to the question of my good friend from Tennessee.

Mr. CORKER. Mr. President, if I could have just 30 seconds, I certainly thank the Senator from Connecticut and, again, will certainly work with him. I might add that the strong feelings that are felt sort of go in this manner: that there is unanimous or overwhelming support for this particular provision, and this body is very divided on this other issue. So it does, in effect, keep us from having a very good policy that is very much supported from becoming law.

It is broken down by the fact we have tremendous dissension in this body—or let me say this: a difference of opinion in this body—over the cram-down issue. But that is stating the obvious, and I am sure the American public understands that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I ask unanimous consent that Senator CHAMBLISS be added as a cosponsor of the Crapo amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question is on agreeing to amendment No. 688 offered by the Senator from Idaho, Mr. CRAPO.

Ms. MIKULSKI. Mr. President, I make a point of order that the pending amendment violates section 302(f) of the Congressional Budget Act of 1974.

Mr. CRAPO. Mr. President, I move to waive the applicable provisions under the Budget Act with respect to my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Ms. MIKULSKI. Mr. President, what is the order, a vote or a quorum?

The PRESIDING OFFICER. A quorum is in order if someone suggests the absence of a quorum.

Mr. CRAPO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion to waive the Budget Act in relation to the Crapo amendment, No. 688. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The PRESIDING OFFICER (Mr. MERKLEY). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 49, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—48

Alexander	DeMint	McCain
Barrasso	Dorgan	McCaskill
Baucus	Ensign	McConnell
Bennett	Feingold	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Cantwell	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Specter
Cochran	Johanns	Tester
Collins	Kyl	Thune
Corker	Lincoln	Vitter
Cornyn	Lugar	Voinovich
Crapo	Martinez	Wicker

NAYS—49

Akaka	Hagan	Nelson (FL)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Byrd	Landrieu	Stabenow
Cardin	Lautenberg	Udall (CO)
Carper	Leahy	Udall (NM)
Casey	Levin	Warner
Conrad	Lieberman	Webb
Dodd	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Mikulski	
Gillibrand	Murray	

NOT VOTING—2

Enzi Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected, the point of order is sustained, and the amendment fails.

AMENDMENT NO. 715 TO AMENDMENT NO. 692

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. I ask for the regular order concerning the Baucus amendment and I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 715 to amendment No. 692.

Mr. ENSIGN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify that nonprofit organizations assisted under the Nonprofit Capacity Building Program include certain crisis pregnancy centers, and organizations that serve battered women or victims of rape or incest.)

On page 2, line 20, insert before the period the following: “which shall include crisis pregnancy centers, organizations that serve battered women (including domestic violence shelters), and organizations that serve victims of rape or incest”. These organizations must be charities within the meaning of the United States tax code.

Mr. ENSIGN. Mr. President, this is a very simple amendment. The Baucus amendment wants to pay legal fees for some of these organizations that are volunteer organizations. Sometimes these organizations have significant legal fees. What my amendment says is, even though the bill doesn't specifically exclude any organizations, I wish to make sure that several of these organizations or types of organizations are able to be included and eligible for some of those legal fees. In my amendment, it points out things such as crisis pregnancy centers, battered women shelters, rape crisis centers, various organizations that are specifically geared toward helping women. I wished to make sure that somewhere down the line somebody at an administrative level doesn't exclude somebody because they have a different political philosophy. We want to make sure the people in these organizations are included. These are people, obviously, from both sides of the political aisle whom we have included in our amendment. I urge its adoption.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, we can appreciate this amendment and the thrust behind it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, the Ensign amendment would make an unnecessary and divisive change to the bipartisan amendment offered by Senators BAUCUS and GRASSLEY. The Baucus-Grassley amendment would create

a nonprofit capacity building program. It would fund a grant program to provide education opportunities to small charities, primarily designed for those in rural areas. The education opportunities would teach charities how to manage finances and fundraise effectively, how to accurately file complicated tax forms, adopt new computer technologies or even plan a long-term budget. Capacity in rural communities, such as I see in my own areas, do need help. I think the Grassley-Baucus amendment has merit. In the Baucus-Grassley amendment, there is no limitation on the types of charities that can access these training programs. Therefore, the amendment of the Senator from Nevada is unnecessary.

Support for the Baucus-Grassley amendment is quite broad. The National Council of Nonprofits, the Independent Sector, and the Alliance for Children and Families have voiced their strong support for this amendment. I urge colleagues to oppose the Ensign amendment.

I wish to also comment on his desire to include crisis pregnancy centers. That is a broad definition. I am not sure what he means by a crisis pregnancy center. There are those that are ones with a particular philosophical viewpoint as compared to broad pregnancy information. These centers are already covered by language in the current bill. The amendment is not needed. There is a question about adding that explicit language. I urge Members not to adopt the Ensign second-degree amendment. It is unnecessary and unneeded and would cause quite an intense negotiation with the House when we go to conference. The whole idea of the way we have been working so faithfully on a bipartisan and even bicameral basis is to not to have a long conference so we are able to move the national service bill to signing by the President so it could be included in this year's appropriations. By adding the Ensign second degree, this would result in jeopardizing the passage of the bill.

I urge defeat of the Ensign amendment and would so recommend to my colleagues.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. I ask unanimous consent to set aside the pending amendment so my amendment No. 712 can be called up for consideration.

The PRESIDING OFFICER. Is there objection?

Mr. THUNE. Reserving the right to object, I would also ask, as part of that agreement, that I have an amendment that also be made pending as part of

the request of the Senator from New Hampshire.

Ms. MIKULSKI. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, we didn't know the Senator had an amendment. We need to have a copy of the amendment. If we could have a copy, we would be willing to discuss it.

Mr. THUNE. I would be happy to make it available to the distinguished manager of the bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, if I may say to the Senator from South Dakota, we are looking at his amendment to see if there is something we can accommodate. Would it be agreeable to him if the Senator from New Hampshire offered a bipartisan amendment that she and the other Senator from New Hampshire are offering? She will offer it and speak briefly, understanding that the Senator had sought recognition before she did.

Mr. THUNE. Let me ask through the Chair, so the understanding would be that the amendment of the Senator from New Hampshire would become the pending amendment?

Ms. MIKULSKI. Yes.

Mr. THUNE. Is there any understanding beyond that about amendments offered by Members on our side, mine included?

Ms. MIKULSKI. It is a matter of expediting the time. We are reviewing your amendment, which is a sense of the Senate. We are viewing it from not only a policy standpoint but with this arrangement of discussing issues with the House. It is more of a time management issue than a content issue.

I ask unanimous consent that upon completion of the offering of the amendment by the Senator from New Hampshire, the Senator from South Dakota's amendment be pending.

Mr. THUNE. I thank the Senator from Maryland. I withdraw my objection.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 712 TO AMENDMENT NO. 687

Mrs. SHAHEEN. I ask unanimous consent to set aside the pending amendment so amendment No. 712 can be called up for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mrs. SHAHEEN], for herself and Mr. GREGG, proposes an amendment numbered 712 to amendment No. 687.

Mrs. SHAHEEN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that an Education Corps may carry out activities that provide music and arts education and engagement)

In section 122 (a)(1)(B) of the National and Community Service Act of 1990, as amended by section 1302 of the bill, insert at the appropriate place the following:

“( ) providing skilled musicians and artists to promote greater community unity through the use of music and arts education and engagement through work in low-income communities, and education, health care, and therapeutic settings, and other work in the public domain with citizens of all ages;”.

Mrs. SHAHEEN. Mr. President, I appreciate your assistance in moving this amendment forward and certainly appreciate the Senator from South Dakota and, of course, the Senator from Maryland for helping me move forward with this amendment.

I bring this amendment forward on behalf of my colleague from New Hampshire, Senator GREGG, and myself. The Shaheen-Gregg amendment would simply add to the menu of activities that can be included in the Education Corps. It would include musicians and artists to promote arts in education. That, very simply, is the amendment.

I would also like to speak briefly to the pending legislation, S. 277, the Serve America Act. I want to begin by commending my colleagues, Senator KENNEDY and Senator HATCH, for their leadership in working on this legislation and bringing it forward and, of course, Senator MIKULSKI and Senator ENZI for their work in making sure the discussion on this bill can go forward, so hopefully we can pass this legislation this week.

This Serve America Act clearly embodies the spirit of America—a spirit that calls on all of us to give back to our country and to work together to build a nation that can continue to offer endless opportunity to generations to come.

This bill could not come at a more critical time in our Nation's history. More and more people need help getting by in this tough economic climate, while more and more of even the most generous among us have less and less to contribute to charitable activities. That is what makes this legislation so special. It has nothing to do with status, with background, with privilege or circumstance. Every American is equal in their ability to give of themselves and their time. As Martin Luther King said so eloquently: Every American can be great because every American can serve—to paraphrase what he said a little bit. The Serve America Act encourages voluntarism at every stage of life—from students, to full-time workers, to senior citizens.

Throughout American history, the compassion of our people has gotten us

through the most difficult of times. That spirit exists today in communities across America, and the Serve America Act taps into the strong desire of Americans to do their part to help our country recover and prosper.

No deed is too small. While the average American may not be able to save struggling banks from financial crisis, they can help a family to weatherize their home so they can save money on their heating or cooling bills. They can mentor a child so that child can reach his or her greatest potential, so they can hopefully go to college and compete in this global economy.

The Serve America Act will usher in a new era of service and civic engagement in our country, where we can solve our most difficult social challenges by using entrepreneurial spirit to bring about social change. It will build upon great success stories in voluntarism, such as AmeriCorps, by increasing the numbers of volunteers involved in volunteer programs nationwide from 75,000 to 250,000.

It also creates several new volunteer organizations with missions in specific areas of national deed, including a Clean Energy Corps. While Congress works to position America as a leader in clean energy and energy efficiency, this group of volunteers will enhance our efforts by encouraging efficiency and conservation measures in communities and neighborhoods. It is an idea that makes so much sense. In New Hampshire, I know volunteers stand ready, for example, to make homes more energy efficient, or work to preserve our State's many parks, trails, and rivers for future generations to enjoy.

As Governor of New Hampshire, I saw firsthand the difference that programs such as AmeriCorps and other volunteer programs can make. Plus Time New Hampshire is one of those programs. It provides afterschool help to vulnerable students who would otherwise go home to empty houses. And New Hampshire's City Year program has been successful in decreasing the high school dropout rate.

I just point out that City Year was started by a New Hampshire native, Alan Khazei, who, with some of his friends from Harvard, was able to start a wonderful program that has now expanded across the country.

One young volunteer in New Hampshire for City Year, Jennifer Foshey, volunteered at Hampton Academy through the City Year program. During her year of service, she worked with sixth grade boys who were struggling academically and failing most of their classes. Jennifer provided one-on-one academic support, individual mentoring, and encouraged these students to get involved in extracurricular activities.

Because of her hard work, the boys' grades improved dramatically, and one of them joined the community service afterschool club Jennifer ran. He was later quoted in the school paper as saying:

There are kids in our neighborhoods that need help, and it's our job to help them.

There could not be a better testament to the ripple effect programs such as City Year that are supported in this legislation have in our communities.

I have long been an advocate for national service because I have seen the power of these volunteers—power not only to help those in need but to empower citizens and strengthen communities. There is no question that the Serve America Act expands opportunities for all Americans to become involved in service in a wide range of areas of need.

Today, this amendment I offer will further extend the work of the service corps by offering opportunities for skilled musicians and artists to expand educational opportunity, promote greater community unity, and bridge cultural divides through the use of music and arts engagement.

The Serve America Act is so important to those in New Hampshire and across the country. I am very pleased and honored to join with Senators KENNEDY, and HATCH, and MIKULSKI, to co-sponsor such an important piece of legislation that invests in new, innovative solutions to our Nation's most persistent social problems, and I urge my colleagues to join me in support of the Serve America Act. I hope they will also support the amendment Senator GREGG and I are offering.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the Senator from New Hampshire, along with her colleague, the senior Senator, Mr. GREGG, for offering this amendment. It does make sure that service programs in the Education Corps are also allowed to incorporate art and music. We in the committee on both sides of the aisle support this. We support it both for content reasons and process reasons.

In the area of process, what the Shaheen-Gregg amendment does is actually incorporate art and music as eligible for funding, as do our colleagues in the House. So it puts it in symmetry with the House. This is what we like. It is when we are out of symmetry with the House that we do not like it. This makes it a high note for art and music.

Second, we know that for many of our boys and girls, the involvement in art and/or music can have a profound impact on, No. 1, school attendance—they really want to come to school to follow their passion; No. 2, it also seems to have a particularly positive effect in the area of behavior for special education children. Special education children seem to have a real affinity in engaging in music and art activity and often by the enrollment in those activities.

What we see in our public schools is that art and music programs have been the first on the budget block when it comes to the reduction of funds. Having talented young people come in with

this kind of approach can really help school attendance, help with behavior problems in schools, and also unlock a talent in a child.

If a child grows up, as I see in Baltimore in that show called "The Wire"—where neighborhoods that are so drug saturated that there is constant police activity, and the informants become the wire—the children of those communities are so terribly disadvantaged. The teachers work under such Spartan circumstances that AmeriCorps being able to come in could change lives—could actually change lives.

The Shaheen-Gregg amendment is an excellent concept to add to our Education Corps. We, under normal circumstances, would accept it, but we understand a vote will be required. But when they call my name, I am going to be in the "aye" column.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 716 TO AMENDMENT NO. 687

Mr. THUNE. Mr. President, I ask unanimous consent that the amendment I have at the desk be called up and made pending.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 716 to amendment No. 687.

Mr. THUNE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding the Federal income tax deduction for charitable giving)

At the appropriate place, insert the following:

#### SEC. —. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds the following:

(1) President John F. Kennedy said, "The raising of extraordinarily large sums of money, given voluntarily and freely by millions of our fellow Americans, is a unique American tradition . . . Philanthropy, charity, giving voluntarily and freely . . . call it what you like, but it is truly a jewel of an American tradition".

(2) Americans gave more than \$300,000,000,000 to charitable causes in 2007, an amount equal to roughly 2 percent of the gross domestic product.

(3) The vast majority of those donations, roughly 75 percent or \$229,000,000,000, came from individuals.

(4) Studies have shown that Americans give far more to charity than the people of any other industrialized nation—more than

twice as much, measured as a share of gross domestic product, than the citizens of Great Britain, and 10 times more than the citizens of France.

(5) 7 out of 10 American households donate to charities to support a wide range of religious, educational, cultural, health care, and environmental goals.

(6) These charities provide innumerable valuable public services to society's most vulnerable citizens during difficult economic times.

(7) Congress has provided incentives through the Internal Revenue Code of 1986 to encourage charitable giving by allowing individuals to deduct income given to tax-exempt charities.

(8) 41,000,000 American households, constituting 86 percent of taxpayers who itemize deductions, took advantage of this deduction to give to the charities of their choice.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should preserve the full income tax deduction for charitable contributions through the Internal Revenue Code of 1986 and look for additional ways to encourage charitable giving rather than to discourage it.

Mr. THUNE. Mr. President, President John F. Kennedy said:

The raising of extraordinarily large sums of money, given voluntarily and freely by millions of our fellow Americans, is a unique American tradition. . . . Philanthropy, charity, giving voluntarily and freely . . . call it what you like, but it is truly a jewel of an American tradition.

In 2007, Americans gave more than \$300 billion to charitable causes, an amount equal to roughly 2 percent of the gross domestic product. The vast majority of those donations, roughly 75 percent, or about \$229 billion, came from individuals who willingly gave their hard-earned dollars for causes greater than their own.

Studies have shown that Americans give far more to charity than the people of any other industrialized nation. In fact, relative to the size of our economy, Americans gave more than twice as much as the citizens of Great Britain and 10 times more than the citizens of France.

We should be proud of this tradition. Congress should continue to support the 70 percent of all American households that donate to charities to support a wide range of religious, educational, cultural, health care, and environmental goals. These charities provide invaluable public service to society's most vulnerable citizens during difficult economic times. In many cases, these services go above and beyond what any conceivable Government program could provide.

For years, Congress has provided incentives through the Internal Revenue Code to encourage charitable giving by allowing individuals to deduct income given to tax-exempt charities. Over time, 41 million American households have taken advantage of this deduction to give to the charities of their choice.

Unfortunately for these generous families and individuals, President Obama and his administration have proposed, as part of their budget outline, reducing the allowable deduction for charitable giving. According to one

study, President Obama's proposal would reduce charitable donations by as much as \$8 to \$16 billion per year.

Particularly in a time when many charities are already struggling on account of the economic downturn, these entities do not need a change in the Tax Code that would further discourage charitable giving. These organizations that educate our children, care for the sick and the poor, and facilitate religious opportunities should not have to pay the price for additional spending on new Federal programs, as is proposed in the administration's budget.

Over the past several days, this proposal has been criticized by Republicans and Democrats, large companies and small companies, universities and churches, constituents and charities of all shapes and sizes. Therefore, I have offered an amendment to H.R. 1388, the national service bill, which is before the Senate right now, which would express the "sense of the Senate that Congress should preserve the full income tax deduction for charitable contributions through the Internal Revenue Code of 1986 and look for additional ways to encourage charitable giving rather than to discourage it."

Americans have a proud tradition of voluntarily giving to those who are in need. Even in these tough economic times, when there is great temptation to save any earned income for better days, families and individuals continue to support our charities. I believe Congress should continue to support those who voluntarily make that sacrifice, and I hope my colleagues will, when this amendment comes up for a vote, support it.

I also point out that a Washington-based coalition of 600 different nonprofit groups opposes this measure and has characterized it as a further disincentive to giving in challenging economic times. It is hard enough, with the economy being in the condition it is these days, people and charitable organizations trying to rely heavily on volunteers and voluntary giving to make ends meet, but it makes it even more complicated when we put policies in place that discourage that.

I wouldn't suggest for a minute that anybody who makes a contribution to a charitable organization does that because of the tax treatment only, but I do believe there is an interaction between our tax policy and charitable giving, and that it definitely affects the amount of those gifts. So rather than dialing back the tax treatment we provide to those who make charitable contributions, in my view, we ought to be encouraging more of that. Certainly the administration's proposal, which would take away the favorable tax treatment for those above certain income categories, is going to cost those organizations who rely heavily upon charitable giving an enormous amount of additional dollars they would receive.

I hope my colleagues would find their way to support my amendment and ex-

press the sense of the Senate that we ought not be going down that path, that we ought to retain the current tax treatment that we have for charitable giving, particularly in a time when the economy is struggling and many people, many organizations that rely on that type of giving, are struggling to make ends meet.

I ask that my colleagues, as they consider this particular issue, in light of the underlying bill that does make available new monies for government programs, also give consideration to all of those charitable organizations out there and all of those individuals across this country who, out of the goodness of their hearts, have contributed mightily to make the good causes that are served by these charities move forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, if I could comment on the Thune amendment, it is a sense of the Senate that Congress and Federal law should continue the current tax deduction rate of 35 percent, and we understand the thrust of the argument behind the Senator's sense of the Senate. I wish to comment both on process and on content. This is a Finance Committee and a Budget Committee matter; this is not a national service matter, though I can see why the Senator would say that, because the uniqueness of America is that we have always had these great public-private partnerships. In fact, so many of the AmeriCorps volunteers will work exactly in the nonprofits that benefit from the charitable giving. Boys and Girls Clubs would be an example of that type of work.

Now, the budget will be on the floor of the Senate next week. Why is that not the right place for the Senator to offer his amendment, not only as to the sense of the Senate, but to actually make a change? The President has recently proposed to limit the tax benefits of itemized deductions for those in the top two income brackets—to limit it to 28 percent. So in the President's budget we will be considering, there is the change in tax deduction rates from 35 percent to 28 percent. Next week is the right time for not only a sense of the Senate but actually direct action. I actually hope that the Senator from South Dakota would consider withdrawing his amendment and dealing with it on the budget when the budget is before us next week.

We believe that the President's proposal would retain a generous benefit. There still would be a tax deduction equal to 28 cents on the dollar for every dollar contributed to charity. Less than 10 percent of the taxpayers who do claim a charitable deduction are in that 35-percent category the Senator from South Dakota has outlined. We believe these taxpayers, fortunate enough to be doing well, and who also wish to do good, will continue to give, even if it is at a 28-percent rate.

I could debate the substance, but I would prefer that the substantive debate come from the Budget Committee members and the Finance Committee members who have poored over this. No one on either side of the aisle wants to limit charitable giving or penalize people for giving. We understand that this is exactly what we need during these tough times. I believe this amendment should be debated and voted on in the budget bill, but if it is going to be here, again, I will have to oppose it, not necessarily on substantive grounds, though. I will support the President's budget.

We are proud of the tradition we have with giving. We should encourage people to keep on giving. One of the ways we do that is through an itemized deduction for charitable giving. I think both sides of the aisle agree on that. We very much support the idea of an itemized deduction for charitable giving. Both sides of the aisle agree on that. Certainly I do. But what the Senator's amendment misses is that all Americans give, all Americans who itemize deductions as well as Americans who don't. In fact, CRS says that only 30 percent of taxpayers claim a deduction for charitable giving. Yet we know that many more than 30 percent of taxpayers give to charity. In fact, the independent sector the Senator has quoted has a study that indicates 89 percent of households in America give in some charitable way. Isn't that wonderful. I mean isn't that fantastic. So many taxpayers make charitable contributions, even though they are not getting a tax benefit at all.

So to place the national service bill in one more quagmires with the House—because when we send this over, it means that national service will not only be conferenced by our counterpart in the Education and Labor Committee, but it is going to have to go to the Finance Committee—excuse me, their Ways and Means Committee. Once again, because of a sense of the Senate, we are going to be put in a quagmire, when the Senator wants to deal with the policy of 35 percent versus 28 percent, and he would have that opportunity on the budget debate.

I disagree with this amendment not only because it is bad policy, but it is absolutely the wrong place to bring this up. I am going to oppose this sense of the Senate and I encourage the Senator from South Dakota, who has many excellent points to be made, that he bring it up on the budget bill.

So I oppose the amendment based on process as well as on substantive grounds.

Mr. President, before I yield the floor, I note that the Senator from Oregon is standing. May I inquire what the purpose of his statement will be—because the Senator from Louisiana has been waiting to offer an amendment. Did the Senator wish to speak on the Thune amendment?

Mr. MERKLEY. No. I am going to return to morning business, so I will defer.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 717 TO AMENDMENT NO. 687

Ms. LANDRIEU. Mr. President, I so appreciate the Senator from Maryland for managing this important bill and the Senator from Utah, both of whom have done an excellent job, along with Senator KENNEDY's guidance and support during the times he could be with us to move this bill, because it has been a great work of many Members of this body, both Democrats and Republicans. Of course, Senator ENZI has also been a great leader in this effort. It is such a timely and important subject as Americans are searching amidst all of the difficulties faced in the economic climate and uncertainty on the international front.

Americans are realizing the importance of loved ones and family. They are realizing the importance of the community that is around them. For better or worse, even though we are a great travel destination—and I do want to encourage people to continue traveling as they can, particularly to places such as New Orleans and Louisiana that see a number of visitors—I think Americans are turning a little bit more inward and want to spend more time with their families and right at home in their communities.

So this bill is timely because it basically calls America to come together, and it recognizes that some of our greatest assets are not just our money—which is fleeting, as we can tell these days. I remember my father used to tell me when I was growing up, he said: The easiest thing for me to give you, sweetheart, is a \$20 bill, even though we didn't have a lot of them floating around the house, but the hardest thing for me to give you is my time. That is what this bill calls for. This bill calls for us to give our time and our talents. God has given us all an equal amount; we all get 24 hours in a day. A life is made by how people spend that time, either serving themselves, worshiping idol gods, or spending their time on the things that matter.

I think this bill has such significance for us as a Nation now as we think about how to revitalize our service programs, update them, modernize them, particularly in light of the fact that we have so many healthy seniors, men and women who have achieved unimaginable success, different than many generations in the past. They find themselves at a great point in their life, in their late sixties or early seventies, very healthy, or even mid fifties. They are retiring and want to serve. So I think this is an excellent bill.

Mr. President, I come to the floor only to again congratulate the leaders and offer an amendment that gives a slight twist to a piece of this that I think is very important. I know a lot of great work has gone on. The amendment I wish to call up is amendment No. 717.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report the amendment. The bill clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment No. 717 to amendment No. 687.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To add a foster care program to the national service corps programs)

On page 92, strike line 1 and insert the following:

“(H) A program that seeks to expand the number of mentors for youth in foster care through—

“(i) the provision of direct academic mentoring services for youth in foster care;

“(ii) the provision of supportive services to mentoring service organizations that directly provide mentoring to youth in foster care, including providing training of mentors in child development, domestic violence, foster care, confidentiality requirements, and other matters related to working with youth in foster care; or

“(iii) supporting foster care mentoring partnerships, including statewide and local mentoring partnerships that strengthen direct service mentoring programs.

“(I) Such other national service programs

Ms. LANDRIEU. Mr. President, I wish to take a minute to explain the amendment. I understand both Senators managing have looked at this and both their staffs have looked at it as well. It is a slight change to the mentoring portion of this bill dealing with children at risk.

If you think of America having 300 million people, about a third of those would be children. So we have about 100 million children in America, I guess between the ages of zero and 18 or 21. That is a lot of kids to care for. We as a nation are trying to do our best as individual parents and families and communities. However, there is a special group of children—and I am going to take a minute more—there is a special group of children who are actually our children. All of these 100 million are ours theoretically. But definitely—and not in theory, but in actuality there are 500,000 children—as the Senator from Maryland knows very well because her career started as the only social worker, I think, in this body—500,000 children who are in foster care actually are children of the government, of the State, of our national and State governments. We are primarily responsible as a government for their care, their welfare, and their education.

So my amendment is quite simple. It adds a provision for a mentoring program for this special group of children, foster children who sometimes spend a few years there—sometimes a long time, unfortunately. Despite our great efforts to make foster care temporary, we know there are barriers for reunification or adoption. We are trying to work through those barriers. But we have some extraordinary, I say to my colleagues Senator HATCH and Senator



MIKULSKI, some extraordinary pilots underway in this country.

In States such as California, where Governors Gray Davis and Arnold Schwarzenegger joined to support this program, there are promising results coming back about foster children in elementary and high schools who have mentors of their same age. We have always had grandparent mentoring, and that is very effective, where seniors are mentoring children. But, as you know, if you have teenagers, as I do, sometimes teenagers don't like to listen to adults. But teenagers will listen to their peers.

This is a great opportunity to have mentors from colleges and high schools coming to mentor our children who are in foster care. I will submit for the RECORD—because my colleague is going to speak—some exciting results.

I ask unanimous consent that a list of these results be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

98 percent of the foster children in this program have stayed in school.

There has been a 50 percent drop in teen pregnancy among the foster youth.

There has been a 1.7 year increase in academic progress per year.

50 percent increase in turning in assignments and homework.

100 percent in taking state standardized tests.

The program is now testing the students every 8 weeks to measure achievement.

In about 80 percent of the cases, there has been evidence of increase in grades within the first 8 months.

Ms. LANDRIEU. Mr. President, that is basically the substance of my amendment. It doesn't add a special corps, but it is an amendment that says when we care for children in need, let's look especially at foster care children and promote those kinds of mentorship programs that we know work and that can make a difference.

Of all the children in America, I say to the Senator from Maryland, these children really need our focus, our attention, our love and our support. I understand this amendment can be taken up at any time that is appropriate for the managers.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, this is not only a good amendment, it is a fantastic amendment. I really compliment the Senator from Louisiana not only for the amendment but for her steadfast commitment to children in foster care, and also children in need of adoption—not only the cute, cuddly infants but the older children and the children who are handicapped. The Senator has also been a leader in the international field, working on a bipartisan basis.

This amendment is fantastic because it will help more foster children get the social and academic mentoring they need. It doesn't create a new corps. We are going to put it under AmeriCorps and leave it to the flexibility of gov-

ernment at the local level to do this in a way that coordinates with their departments of human services.

It is true there are 500,000 children in foster care in this country. When I started out my career as a social worker, after I graduated from college, I worked for Associated Catholic Charities. I was a foster care worker, so I know this up close and personal. I was also a home worker, so I know it personally.

When I was in my twenties, I often worked with children being cared for by nuns in group homes. The nuns themselves were in their forties, fifties, or older. They were sweet, caring, and compassionate. We could not do it without them. But those young preteens and adolescents needed different kinds of help.

I organized women I graduated with at my Catholic college, and we did hair-dos and curlers and lipstick with them and the kinds of things young girls needed to do. I was once in that age group myself. But those preteen girls were transitioning to womanhood. My classmates and I helped them, and it increased their interest in school, their interest in working with the sisters. When those girls were ready to leave the group home, either to go out into the world or to return to their parents, they were in a better place because of the nuns and their loving care and the work of Catholic Charities, and because of what the volunteers did.

I think what the Senator is offering is going to make a difference. I look forward, when we have the vote, to supporting it.

Our colleague from Oregon has been waiting to offer a very compelling speech, which I eagerly await to hear. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DEFENSE OF THE AMERICAN HOME

Mr. MERKLEY. Mr. President, I rise today to call on my colleagues, and indeed upon all Americans, to rally to the defense of the American home.

Sometime soon, within the next few weeks, this esteemed Chamber will be taking up this issue. So this seems to be an appropriate time to reflect on how to improve our policies for promoting homeownership.

There is nothing that characterizes the American dream better than owning your own home. The homeowner is the king—or queen—of his or her castle. You decorate and remodel it to suit your own taste and style. You are your own landlord; no one can tell you what you can or can't do. You fence the yard so you can finally have a dog. You put in a skylight because you want more light. You plant tiger lilies and hyacinth in the yard because they are the most beautiful flowers in the world. You create a stable and nurturing environment for raising your children.

In your own home you control your own destiny.

Moreover, it is through home ownership that you secure your financial destiny. By and large, everything you buy in life loses value quickly—your car, your furniture, your clothing. But not so with your home. The family home is, for most families, the biggest nest egg they will build in their lifetime.

At a minimum, owning a home—with a fair mortgage—locks in and caps your monthly housing expenses. That is a great deal compared to renting, where rents go up and up over the years.

In addition, your monthly payments steadily pay off your mortgage, you own an increasing share of your home, and the bank owns less.

You can look down the road and see the possibility of owning your home free and clear before you retire, making it possible to get by decently in your golden years. To make the deal even better, your home appreciates in value. The home you bought for \$80,000 in 1980 might be worth \$250,000 in 2010. In many cases, it might be that appreciation, that growing home equity, that enables you to travel a bit during retirement, or that enables your son or daughter to afford to go to college.

So homeownership really is a magical part of the American dream—opening the door to our aspirations and building our financial fortunes. Thus, you would expect that our leaders would do all they could to protect and advance homeownership.

Unfortunately, however, I am here today to say that we really haven't done such a good job. In fact, all too often this past decade, we have allowed the great American dream of homeownership, to turn into the great American nightmare. We can and must do better.

What has gone wrong? In short, almost everything.

Most fundamentally, we have abused one of the most amazing inventions, one of the most powerful wealth building tools, we have ever seen: The fully amortizing mortgage.

Let's turn the clock back 77 years to the Great Depression. Before 1932, house loans were normally 50 percent loan to value with 3- to 5-year balloon payments. This worked fine as long as a family could get a new loan at the end of 3 to 5 years to replace the old loan. With the crash of our banking system in 1929, however, replacement loans were no longer available. Thus, as balloon payments came due, millions of families lost their homes.

The solution was the fully amortized mortgage, which eliminated the challenge of replacing one's mortgage every 3 to 5 years, thereby insulating families from frozen lending markets. Indeed, the Roosevelt administration's decision to help millions of families replace their balloon loans with fully amortized loans was a major factor in ending the Great Depression and putting our national economy back on track.

This system of amortized mortgages worked very well for over half a century. But in recent years, we have allowed two developments that have deeply damaged the stabilizing power of the amortizing mortgage and helped produce our current economic crisis. Those two factors are tricky mortgages and steering payments.

One tricky mortgage, for example, was the teaser loan—sometimes called the “2-28” loan. In this loan, a low introductory rate exploded to a much higher rate after 2 years. In many cases, the broker knew that the family could never afford the higher rate, but the broker would persuade the family that the mortgage presented little risk since the family could easily refinance out of the loan at a later date. This argument was misleading, of course, since the family was locked into the loan by a sizable prepayment penalty.

Another tricky mortgage was the triple-option loan, in which a family could make a month-to-month choice between a low payment, a medium payment, or a high payment. What many families didn't understand, however, was that the low payment could only be used for a limited period before the family was required to make the high payment, which the family couldn't afford.

These tricky loans, however, would probably not have done much damage, because their use would have been rare—except for a second major mistake; namely, we allowed brokers to earn huge bonus payments—unknownst to the homeowner—to steer unsuspecting homeowners into these tricky and expensive mortgages.

These secret steering payments turned home mortgages into a scam. A family would go to a mortgage broker for advice in getting the best loan. The family would trust the broker to give good advice because, quite frankly, they were paying the broker for that advice. The payment to the broker was right there, fully listed and disclosed by law, on the estimated settlement sheet.

But what the borrower didn't realize was that the broker would earn thousands of bonus dollars from the lender—so called “yield-spread premiums”—if the broker could convince the homeowner to take out a tricky expensive mortgage rather than a plain vanilla 30-year mortgage.

This scam has had a tremendous impact. A study for the Wall Street Journal found that 61 percent of the subprime loans originated in 2006 went to families who qualified for prime loans. This is simply wrong—a publicly regulated process designed to create a relationship of trust between families and brokers, but that allows payments borrowers are not aware of that stick families with expensive and destructive mortgages.

It is difficult to overstate the damage that has been done by these tricky loans and secret steering payments.

An estimated 20,000 Oregon families will lose their homes to foreclosure this year.

Nationwide, an estimated 2 million families will lose their homes this year and up to 10 million over the next 4 years.

In every single case, the foreclosure is a catastrophe for the family. Each foreclosure is a shattered dream. The family has lost its financial nest egg. It has lost the nurturing environment the parents created for the children. The family has lost its dream of building a foundation for retirement. And don't doubt for a second the stress that this catastrophe places on the parents' marriage, or on the children, multiplying the damage.

The foreclosure is also a catastrophe for the neighborhood, because an empty foreclosed home can lower the value of other homes on the street by \$5,000 to \$10,000.

The foreclosure is, in addition, a catastrophe for our financial system. A lender often loses half the value of the property by the time it has been publicly auctioned. And as we now know all too well, foreclosures undermine the value of mortgage securities and mortgage derivatives, damaging the balance sheets of financial institutions in America and throughout the world and throwing our banking system and global economy into chaos.

That frozen lending and economic chaos, of course, further hurts our families. Oregon's unemployment rate has gone from 6 percent to 11 percent in just 5 months, nearly doubling the number of Oregon families out of work, and unemployment, in turn, drives additional foreclosures.

How did we let this happen? This fiasco is, first and foremost, the consequence of colossal regulatory failure. Let me count the ways.

First, in 1994, Congress required the Federal Reserve Board to prohibit mortgage lending practices that are abusive, unfair or deceptive. That was a very good law. But for 14 years, the Fed sat on its hands, failing to regulate abusive and deceptive practices such as teaser loans, prepayment penalties, and steering payments.

Second, in 2002, after the State of Georgia adopted comprehensive mortgage reform legislation, the Comptroller of the Currency, John Hawke, overturned the Georgia reforms and banned all States from making such reforms affecting federally chartered institutions. This action made it difficult for States to pass reforms covering State-chartered lenders as well, since such action generated the powerful argument that it would create an unfair disadvantage for State-chartered banks. I can testify to this firsthand because that is exactly what happened when last year, as Speaker of the Oregon House, I worked to pass such mortgage reforms in Oregon. As a former attorney of North Carolina summarized it, the Office of the Comptroller of the Currency “took 50 sher-

iffs off the job during the time the mortgage lending industry was becoming the Wild West.”

The third failure was in 2004. The Securities and Exchange Commission exempted the five largest investment banks from its leverage requirements. This dramatically amplified the funds available to the banks to purchase mortgage-backed securities, funding a tsunami of subprime loans. Let's take a look at a chart.

We see that impact in 2004, when subprime loans, which had been at a relatively stable level, grew dramatically and suddenly. To make it worse, the Securities and Exchange Commission failed to regulate credit default swaps, which became a \$50 trillion industry, that contributed to the appeal of mortgage-backed securities by insuring those securities against failure.

The fourth failure was in the Office of Thrift Supervision. That office was asleep at the switch. The office failed to halt risky lending practices that doomed numerous thrifts. An inspector general's report after the failure of NetBank in September of 2007 concluded that the Office of Thrift Supervision ignored warning signs about the bank's risky lending. OTS continued to snooze, however, while numerous thrifts failed, including IndyMac, Washington Mutual, and Countrywide.

The fifth failure. While Fannie Mae and Freddie Mac set standards limiting their purchase of subprime mortgages, they nevertheless poured fuel on the subprime fire by investing in subprime securities, thereby driving the financing of the subprime market.

Taken together, these five circumstances composed a colossal failure of regulation. Even Alan Greenspan, former Chair of the Fed who prominently advocated that banking practices should not be regulated because Wall Street, in its own long-term interest, would regulate itself, now renounces that philosophy.

I say to my friends and colleagues, what a mess. Congress got it right in 1994, when it asked the Fed to prohibit mortgage lending practices that were abusive, unfair, and deceptive. But Congress shares the responsibility for not following up aggressively when the Fed failed to act on this requirement.

The result is that home ownership has suffered and our national economy is in deep trouble. So now is the time for us to honestly assess the damage and to repair the damage as best we can. It is time to end the deception and abuse in Main Street mortgages and in Wall Street mortgage securitization.

The American dream of home ownership, with all that it means for the quality of life of our families, depends on our effective action.

To repair the damage, we need to support aggressive efforts to enable families trapped in subprime mortgages to negotiate modifications to those mortgages. President Obama and his team have taken many steps in the right direction on this issue, but we

need to monitor the progress and help pave the way for success.

If mortgage modifications fail due to the extraordinary difficulty of connecting borrowers to lenders in a market where the loan has been sliced and diced into 100 pieces, we need to support the ability of bankruptcy judges to operate as an arbitrator to adjust the terms of the loan. We grant this power to judges for loans for yachts, loans for vacation homes for our more privileged citizens. Certainly, ordinary citizens should have the same recourse for a far more important possession—the family home.

Consider the experience of Lisa Williams, who spoke at a mortgage foreclosure summit I hosted in Oregon last month. Lisa spoke about the lengths to which she went to get in touch with someone to help her renegotiate her loan. She would call and call her bank and never get through or she would be put on hold for more than an hour at a time or, on the rare occasion that she did get through, she could not reach anyone in a position of authority to talk with her. Five months ago, despite her innumerable and consistent efforts, she lost her home. An aggressive loan modification program or a last resort—and I stress “last resort”—bankruptcy arbitration would have saved Lisa’s home and, looking forward, would save the homes of millions of other American families.

We also need to restore the same guidelines to Wall Street—cap excessive leverage, regulate credit default swaps, prevent the creation of firms too big to fail, end regulator shopping, and evaluate and control systemic risks.

Finally, we need to end deceptive and abusive mortgage practices. The regulations adopted by the Federal Reserve last year are a decent start. It is time for us to make sure teaser loans, triple option loans, and secret steering payments never again haunt American families.

I say to my friends and colleagues, I end this appeal as I started it. Let us rally to the defense of the American home. We will have that chance when we consider legislation in the near future addressing mortgage practices. As we prepare to do our thoughtful best to craft mortgage and housing policy that will strengthen our American families, we might do well to consider the advice of President Franklin Roosevelt, since it was, indeed, Roosevelt who steered us out of the Nation’s last enormous housing crisis.

Roosevelt, speaking in his April 2, 1932, radio address entitled “The Forgotten Man,” declared:

Here should be the objective of Government itself, to provide at least as much assistance to the little fellow as it is now giving to large banks and corporations.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I compliment the Senator from Oregon. I understand it is his very first speech he has given on the Senate floor; is that correct?

Mr. MERKLEY. That is correct.

Ms. MIKULSKI. Well, how wonderful, I say to the Senator from Oregon, his very first speech was important because it was about home ownership and how we have to make sure the American dream continues to be within reach for most Americans, that they are able to afford a home and have the jobs that pay those wages, and that when they go to buy a home, the rates are reasonable, that they are not a victim of a scam or scam.

I would like to say, if that is his first speech, I am looking forward to hearing many more and working with him on access to the American dream—home ownership, the opportunity to pursue a higher education, and to either own a business or have a job that pays a living wage. Senator MERKLEY is a welcome addition to the Senate. Speaking, I know, on behalf of those who have been here a while, that was a great speech, and we look forward to many more.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I simply thank the Senator from Maryland and look forward to working with her.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBAC. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBAC. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

#### NOMINATION OF CHRISTOPHER HILL

Mr. BROWNBAC. Mr. President, I thank my colleagues for the opportunity to speak now on a critical issue that is facing us. There are a number of nominations coming before this body. We need to move forward on a lot of these nominations and move forward aggressively. There is one I wish to talk about with my colleagues, one about which I am deeply concerned. We held a hearing today on the nominee for the ambassadorship to Iraq.

Christopher Hill has been nominated to serve as Ambassador to Iraq. This is our most important diplomatic post in that region, arguably the most important diplomatic post to the United States in the world today. While it is important we have an Ambassador in place as soon as possible, what is most

important is that we get the right person in place.

The next Ambassador to Iraq faces a daunting array of issues, such as preserving Iraq’s fragile security, the drawdown of our troops, Arab-Kurdish tensions, oil distribution, and Iranian aggression, to mention a few.

Quite simply, the stakes could not be higher for the administration to find the right person to conduct our diplomacy in Baghdad and that region.

In providing our advice and consent to the President, our duty is to ensure that his nominee for this most sensitive and complicated post will not only carry out faithfully the policies of the administration but also will implement the laws of this country.

Moreover, the nominee should have a strong track record of diplomacy, forthrightness, professionalism, and achievement to bolster his or her credibility with the American people, with the Iraqi people, and the numerous regional actors. And in this respect, Mr. President, I regretfully say that I do not believe Ambassador Hill’s career in the Foreign Service reflects the needs we have for this position in Iraq or this country. I think his record and his actions fall short of the qualifications we need. I want to articulate why I believe that, and therefore I will be objecting to his nomination as we move forward.

Let me begin by saying that I do not deny that Chris Hill is an experienced negotiator. He negotiated Bosnia in the 1990s and then negotiated North Korea for some period of time. But negotiation is only one component of diplomacy. In addition to being able to converse with foreign actors, we also expect our diplomats to respect the chain of command, to work closely with colleagues in the State Department, the Department of Defense, and all other relevant agencies, and we expect our Ambassadors to respect the laws of the United States expressed by statute and through proper oversight. But in his role as Assistant Secretary of East Asia and Pacific Affairs, as well as head of the U.S. delegation to the six-party talks, too often Ambassador Hill found that key officials and the law got in the way of his agenda. He found that sidelining those officials and ignoring congressional will was expedient, if not acceptable. I regret to have to say that. Such behavior establishes a precedent that can only hamper his efforts to coordinate the immensely complicated U.S. Government effort in Iraq, and that brings me to the focus of my concerns and the specific dealings I had—and extensive they were—on human rights in North Korea, where these troubling aspects of Chris Hill’s diplomatic conduct all come together.

I have a picture next to me here that is a very lamentable one from North Korea. It is a kindergarten in North Korea, and you can see the starving children who are there. This was during the late 1990s when there was starvation taking place in North Korea,

and the North Korean Government was not asking for assistance or support and the people were dying of starvation. The human rights situation is deplorable in North Korea. I believe it is the worst in the world, and that is saying something given some of the other actors that exist.

Let me start by reminding my colleagues of all of this—the situation in North Korea. North Korea is ruled by a totalitarian regime rigidly controlled by a single dictator, Kim Jong Il. Human rights in North Korea do not exist. The state regulates all aspects of individual life, from food ration, to speech, to employment, to travel, and even to thought. Under Kim Jong Il's watch, millions of North Korean citizens have perished from starvation, while thousands of others have died during imprisonment in the regime's extensive political system and gulags.

I will show a picture here of the location of one of the prison camps—or a number of prison camps in Russia. I have given a speech, and I have pointed this out. Google Earth has made witnesses of us all. Now you can see these on Google Earth.

North Korean defectors have testified about the conditions in these camps. Prisoners face torture, hard labor, starvation, forced abortion, infanticide, public executions, chemical and medical experimentation on prisoners, and gas chambers. They experience detention without judicial process, and family members of dissenters, including children and the elderly, are also shipped to the gulag as part of the policy of guilt by association. It is thought that over 400,000 people have died in the gulags over the years, and currently there are 200,000 North Korean prisoners in the gulag system.

I want to read to you an account from the Washington Post about the only known living escapee from a North Korean gulag, and Mr. President, I ask unanimous consent to have the full article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 15, 2008]

THREE KERNELS OF CORN—THE STATE DEPARTMENT HAS MORE PRESSING CONCERNS THAN A MODERN-DAY GULAG.

We tend to think of concentration camps as belonging in history books, but Shin Dong-hyuk reminds us of the uglier truth. Mr. Shin, who is 26, was born in such a camp in North Korea and lived there until he escaped in 2005. He is, in fact, the only person known to have made a successful escape from one of that nation's prison camps, which hold an estimated 150,000 to 200,000 people.

Mr. Shin's story, which Post reporter Blaine Harden movingly recounted in an article last week, was horrifying on a couple of counts. The casual, routine brutality of the camps is, as the article noted, almost unfathomable. Part of Mr. Shin's finger was cut off as punishment for accidentally dropping a sewing machine in the factory of the camp where he was held. He bears scars from the torture of being, essentially, roasted over a charcoal fire. When he was 14, he

watched as his mother was hanged and his brother shot to death, ostensibly for trying to escape. In a memoir, he writes of the "lucky day" when he found, in a pile of cow dung, three kernels of corn that he was able to wash off and eat.

It's horrifying, on another level, that only 500 people in South Korea, where Mr. Shin lives, have bought his book. Many Koreans don't want to hear about human rights abuses in the north; they're worried that the Communist regime might collapse and leave the more prosperous south with a costly burden of rehabilitation. And South Korea isn't alone in tuning out the horrors. The United States is more concerned with containing North Korea's nuclear ambitions. The State Department's stunning lack of urgency was captured in a recent statement from its assistant secretary for Asia, Christopher R. Hill: "Each country, including our own, needs to improve its human rights record." Japan is focused on Japanese citizens abducted forcibly to North Korea. China doesn't want instability across its border.

Mr. Hill's larger point is that the United States should be practical in relations with the north and not simply denounce abuses so that America can feel good about itself. We support his efforts to negotiate with the regime. It's worth noting, though, that last week the north yet again backtracked on a nuclear-related agreement it had made and Mr. Hill had vouched for. It will continue to honor such agreements, or not, based on a reading of its own interests, not on whether its negotiating partners do or don't speak honestly. We think there's an inverse relationship between a regime's trustworthiness on any subject and its propensity to abuse its own people. We also believe that it should not be left to the lone escapee from North Korea's gulag to speak out about its horror.

High school students in America debate why President Franklin D. Roosevelt didn't bomb the rail lines to Hitler's camps. Their children may ask, a generation from now, why the West stared at far clearer satellite images of Kim Jong Il's camps, and did nothing.

Mr. BROWNBACK. Mr. President, here is the quote I want to read from the article about Shin Dong-Hyuk:

... his finger was cut off as punishment for accidentally dropping a sewing machine in the factory of the camp where he was held. He bears scars from the torture of being, essentially, roasted over a charcoal fire. When he was 14, he watched as his mother was hanged and his brother shot to death, ostensibly for trying to escape. In a memoir, he writes of the "lucky day" when he found, in a pile of cow dung, three kernels of corn that he was able to wash off and eat.

This was from the full piece from the Washington Post that I have had printed in the RECORD.

Here is an aerial picture of what one of the camps looks like. This is camp 18—and you can get these off Google Earth—and the execution site within this camp. Imagine if during World War II and the Holocaust we had these kinds of pictures and this sort of knowledge. Would we say we want to really do something about this or would we not? I think all of us would say: Well, absolutely. We would want to be very vocal about this. We would want to be addressing this issue if we knew it took place. Well, this is happening today. It happened during Chris Hill's watch in that position, it happened during the six-party talks, and

he didn't address it and he didn't work on it.

The desperate situation has caused tens of thousands of North Koreans to risk their lives and their families' lives to flee across the border into China, seeking food, shelter, and livelihood. But the Chinese Government blocks international access and aid to these refugees, leaving them helplessly exposed to severe exploitation, particularly in the form of sex trafficking. The refugees also face repatriation if caught by Chinese authorities, which for most of them means automatic imprisonment, torture, or execution once returned to North Korean officials.

As Holocaust-survivor and Nobel laureate Elie Wiesel said, the North Korean regime "... is responsible for one of the most egregious human rights and humanitarian disasters in the world today."

I want to quickly show two satellite photos showing the prison barracks of two camps, one in North Korea and the other in Auschwitz. Now, my point is not to say these situations are the same—they are not—but, rather, that there are similarities, and people should know this kind of evil still exists in the world today. I want people to look at this prison situation. This is one of the camps—and again, this is from Google Earth—one of the prison camps in North Korea. Then I want to hold up here as well a picture of Auschwitz. I ask people to look at the similarity of these situations and of these settings. I know when I first saw this, I thought, this is really eerie, that these look alike this much. Now, I am not saying these are the same situations. What I am saying is we continue to have this evil in the world. We continue to have thousands of people killed in a gulag system in 2009. This continues to happen in the world.

Mr. President, as you may recall, the Congress sought to address this horrifying situation back in 2004 with the North Korean Human Rights Act. This was passed and signed into law in October of that year. The Senate even passed that bill by unanimous consent—a proud day in the history of this body as we strengthened the moral fibers of this Nation. The purpose of that law, as defined in its introduction, was to promote respect for and protection of fundamental human rights in North Korea; to promote a more durable humanitarian solution to the plight of North Korean refugees; to promote increased monitoring, access, and transparency in the provision of humanitarian assistance inside North Korea; and to promote the free flow of information into and out of North Korea.

Let me also read aloud the very first section of title I of that act. It says this:

It is the sense of Congress that the human rights of North Koreans should remain a key element in future negotiations between the United States, North Korea, and other concerned parties in Northeast Asia.

So this is a statement to the six-party talks—to our negotiators—that

human rights should remain a key element in future negotiations. This was in 2004. Mr. President, 4½ years have transpired since the passage of this legislation. During that time, the issue of North Korean human rights quite simply has been subordinated, ignored, cast aside, and indeed swept under the carpet, in complete contradiction of the law of this country and against our Nation's most basic moral obligations and against the witnesses that we are that it is taking place even as we see it.

In all the bluster and dealmaking over the past few years, our negotiators have failed to exert any serious effort to address this dire issue. In fact, the situation has only worsened, according to any independent benchmark. And the individual responsible for this account during this period of time is Ambassador Chris Hill, who, according to the Washington Post Editorial Board, displayed a "stunning lack of urgency" to deal with human rights and, according to the Washington Times, "deliberately minimized focus on the bleak human rights record." This is the nominee to be the Ambassador to Iraq—the most important account for us, I believe, in the world.

The cochair of the Congressional Human Rights Caucus, FRANK WOLF, agreed, stating in a recent letter to Hill that he is concerned with Hill's "marginalization and utter neglect of human rights."

Just 1 year ago, Chris Hill himself said the following, asked about the human rights situation in North Korea:

Each country, including our own, needs to improve its human rights record.

In the face of the most horrific and ongoing human rights catastrophe in the world and instructed by Federal statute to address it, Ambassador Hill instead saw fit to associate the record of Kim Jong Il with that of the United States of America.

Some have said that the policies implemented by Ambassador Hill were merely the articulation of the Bush administration, but this is not the case. I spoke several times directly with President Bush about North Korean human rights. I know his passion for it and his real commitment to addressing the issue. He proudly signed the North Korean Human Rights Act and then again its reauthorization last year. He appointed a good, qualified man in Jay Lefkowitz as the Special Envoy for North Korean Human Rights. But somewhere between the Oval Office and the six-party negotiation room, the message got lost. On this, we have strong evidence that the broken link was Ambassador Hill.

First, at his nomination hearing this very morning, Ambassador Hill admitted that on at least one occasion he exceeded his instructions by meeting bilaterally with the North Korean Government. This went against the clear public position of the President. He explained this by saying he had to "call

an audible." This was in testimony this morning. But to others, this looks like a freelancing diplomat. When it comes to working in a country with neighbors such as Iran and Syria, the stakes are too high to have diplomacy run anywhere other than by the Secretary of State and the President.

We also know from a number of sources that Ambassador Hill used his position to sideline key officials in the administration who were charged with addressing the human rights situation in North Korea. One of these individuals was Jay Lefkowitz, who struggled during his entire tenure as Special Envoy for Human Rights in North Korea to gain tracks and support for his efforts among the East Asian Bureau and the team led by Hill.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I sent, and was sent back in answer by Jay Lefkowitz today, where we asked him if was he ever invited to the six-party talks—ever.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, March 25, 2009.

Mr. JAY P. LEFKOWITZ, P.C.,

Kirkland & Ellis LLP, Citigroup Center, New York, NY.

DEAR JAY: Christopher Hill testified today before the Senate Foreign Relations Committee. In response to a question by Senator Lugar, he failed to specifically address whether he invited you to participate in the Six Party Talks to address North Korean human rights. As you recall, in his testimony before the Senate Armed Service Committee on July 31, 2008, he promised to invite you to participate in all future negotiation sessions, without qualifying the nature of those sessions.

Based on my knowledge of the situation, I believe he violated his commitment. Can you please respond to me as to whether or not Christopher Hill or anyone acting on his behalf invited you to the Six Party Talks subsequent to July 31, 2008?

I look forward to your swift reply, and appreciate your cooperation in this matter.

Sincerely,

SAM BROWNBACK,

U.S. Senator.

DEAR SENATOR BROWNBACK: At no point during my tenure as Special Envoy for Human Rights in North Korea, either before or after July 31, 2008, did Chris Hill or anyone acting on his behalf invite me to participate in any Six Party Talks.

JAY.

Mr. BROWNBACK. Mr. President, this is what Mr. Lefkowitz says in his response to my letter:

DEAR SENATOR BROWNBACK: At no point during my tenure as Special Envoy for Human Rights in North Korea, either before or after July 31, 2008, did Chris Hill or anyone acting on his behalf invite me to participate in any Six Party Talks.

This is the Special Envoy for Human Rights to North Korea.

Another key official cut out of the loop by Hill was former Ambassador to Japan, Tom Schieffer. The Washington Post reported in 2007 that Ambassador Schieffer received assurances from the administration that he could tell the

Japanese Government that North Korea would not come off the terrorism list until the abduction issue that was central to the Japanese had been resolved. But Ambassador Schieffer found out later that Chris Hill had cut a deal ignoring that pledge and, without advance notice or information from Ambassador Hill, had to backtrack—our Ambassador to Japan—and try to mollify our stalwart ally, Japan, whose Government felt upset and betrayed.

Finally, at least one senior intelligence officer has said Ambassador Hill sidetracked and bypassed procedures designed to inform the intelligence community of the substance of his discussions with the North Koreans.

Such conduct in the course of negotiations should give serious pause to those concerned about the sensitivity of diplomacy in Iraq and in the Middle East at this time.

In addition to this undiplomatic conduct with respect to his executive branch colleagues, Ambassador Hill has a disturbing track record of evasiveness, and I believe dishonesty, in dealing with Congress. In statements made for the record in congressional testimony, Ambassador Hill made promises that he did not, could not, or had no intention to keep.

Regarding the prospect of normalization with North Korea, Ambassador Hill assured a skeptical House Foreign Affairs Committee in February 2007 that improvement in human rights would be part of any deal struck with North Koreans. But 1 year later, Ambassador Hill indicated to a reporter that normalization could proceed before such things took place. He stated:

Obviously we have continued differences with North Korea, but we can do that in the context of two states that have diplomatic relations.

On the issue of human rights last year, before the Senate Armed Services Committee, I asked Ambassador Hill whether he would invite the Special Envoy for Human Rights to all future negotiation sessions. His answer, and I quote it directly:

I would be happy to invite him to all future negotiating sessions with North Korea.

That answer was given without qualifiers.

Mr. President, I ask unanimous consent to have the relevant portion of that committee transcript from July 31, 2008, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE NORTH KOREAN SIX-PARTY TALKS AND IMPLEMENTATION ACTIVITIES

HEARING BEFORE THE COMMITTEE ON ARMED SERVICES, UNITED STATES SENATE, JULY 31, 2008

Senator BROWNBACK. I want to, because my time will be narrow here: will you state that the Special Envoy will be invited to all future negotiating sessions with North Korea?

Ambassador HILL. I would be happy to invite him to all future negotiating sessions with North Korea.

Senator BROWNBACK. Thank you.

Mr. Ambassador, you noted this earlier, that there are political gulags and concentration camps in North Korea. Will you

state that any prospect of normalization with North Korea is contingent upon the regime shutting down the political gulags and concentration camps?

Ambassador HILL. I can say to you, Senator, that we will definitely raise these issues as an element of the normalization process. I'm not in a position at my level to state to you today what the specific conditions of normalization were, but they will be raised as part of that and clearly, we will be looking for more satisfactory answers on this.

Senator BROWNBACK. Mr. Ambassador, the Illinois delegation in total in a letter dated in 2005—noted the abduction of Reverend Kim Dong Shik, who's a U.S. citizen, and his wife is an Illinois resident, children U.S. citizens. I'm going to enter this letter in the record. It's from the Illinois delegation. They have said they would not support any normalization with North Korea until his abduction is dealt with.

[The information referred to follows:]

Mr. BROWNBACK. Mr. President, I already entered the note I received from the Special Envoy saying he was never invited, but there is another case—one I know is of great concern to the ranking member of the House Foreign Affairs Committee, Ms. ROSELEHTINEN—where Chris Hill told a reporter that he had no recollection of receiving a letter from and had provided no response to the spouse of Rev. Kim Dong-Shik, a U.S. permanent resident and father of a U.S. citizen, who was kidnapped in North Korea in 2000.

Yet a photo obtained by the media showed Mr. Hill receiving this from the Congresswoman herself.

On the issue of nuclear disarmament, Ambassador Hill also misled Congress. During his February 2007 testimony, Hill insisted that North Korea must disclose “all” of its nuclear programs, and specified that “All means all, and this means the highly enriched uranium program as well.”

But when the North Koreans' belated declaration of nuclear activity did not even mention their uranium program, even when there were reports that the documents themselves that they gave us had traces of uranium on them, Ambassador Hill still insisted on rewarding the North Korean regime with delisting from the terrorism list.

On dealing with proliferation, later that year before the House subcommittee, Ambassador Hill said:

Clearly, we cannot be reaching a nuclear agreement with North Korea if at the same time they are proliferating. It is not acceptable.

Yet only months later, Hill reached just such an agreement before Congress had a chance to answer key questions about North Korea's alleged nuclear proliferation to Syria, taking place during Hill's own negotiations.

What all this shows is a disturbing pattern by Ambassador Hill to tell Congress one thing, and then do another.

Congressional testimony is not a formality. It is not a venue for executive officials to parrot what Members of Congress want to hear—regardless of whether such parroting reflects reality.

Rather, congressional hearings provide a means to reassure the American people that their tax dollars are being spent wisely, and their interests are being preserved.

In this case, we had a right to know that the tens of millions of dollars worth of heavy fuel oil sent to Kim Jong Il, and the other serious concessions Ambassador Hill was handing over, were at least going to improve our national security, if not help end the oppression of the North Korean people.

And in that respect, I would like to address the substance of Ambassador Hill's deals with the North Korean regime. The record can be summarized by stating the concessions that both sides obtained through the negotiations.

First, Ambassador Hill is credited with a victory in bringing the North Koreans back to the table in 2005. But in doing so, he admits to exceeding his instructions to avoid bilateral talks with the regime.

Second, Hill oversaw and managed a complicated process that involved Russia, China, South Korea, and Japan, in addition to the U.S. and the DPRK.

Neither of these gains in process provided us with concrete evidence of progress on denuclearization, despite the fact that the North Koreans traded them for substantial material gain from our side.

Ambassador Hill did obtain a declaration of nuclear activities from the regime. But as noted earlier, this declaration was half a year overdue and so incomplete as to render it useless. The declaration provided no confirmation of the number of bombs that were made, no admission or information on the uranium program, and nothing on proliferation. It was a radioactive set of documents of dubious worth.

Additionally, Ambassador Hill was able to get the DPRK to implode the cooling tower at Yongbyon. But according to many analysts, the step was mostly a symbolic gesture in that North Korea is still able to run its plutonium reactor, just with more environmental consequences.

In exchange for these minimal gains in process and symbolism, the concessions we forked over were substantial. Tens of millions of dollars worth of heavy fuel oil were shipped over to supply the regime with “energy assistance,” ostensibly so that it could continue to carry out its policies of belligerence and oppression.

Congress was asked to pass legislation waiving Glenn amendment sanctions against North Korea. These sanctions were designed to prohibit assistance to states that detonate illegal nuclear weapons, and were automatically triggered when DPRK tested a nuclear bomb in 2006. We gave them a pass on that.

We delisted the DPRK from the list of state sponsors of terror, despite their failure to account for the Japanese abductees and U.S. permanent resident Reverend Kim Dong-Shik, not

to mention their failure to even slightly diminish the terror they inflict upon the North Korean people.

We removed sanctions pursuant to the Trading with the Enemy Act, and facilitated the transfer of money to the regime that otherwise should have been confiscated by the Treasury Department under financial regulations for nuclear proliferators.

We looked the other way on the role that the DPRK played in constructing a nuclear reactor in Syria, choosing instead to plow ahead with the negotiations.

What is worse, after we gave up so much leverage, the DPRK is now just as hostile and dangerous as ever. Next week the regime plans on launching a ballistic missile over Japan that could reach the outskirts of the United States, a provocative act of the gravest significance.

And to push the limits of our tolerance even further, on March 17, North Korean border guards abducted two American journalists—Laura Ling and Euna Lee—and reports indicate that since their capture they have been subjected to “intense interrogation.”

Taken all together, this is an unfortunate legacy for Ambassador Hill. Broken commitments to Congress, freelancing diplomacy, disregarding human rights, and giving up key leverage to the DPRK in exchange for insubstantial gestures.

Such things have harmed our national security and ignored our moral obligations, a legacy ill-suited for the next Chief of Mission to Iraq.

I will conclude not with my own words, but with the words of Rabbi Abraham Cooper, associate dean of the Simon Wiesenthal Center, who wrote a piece for the Korea Times last month, which I will ask to be included in the RECORD.

By exclusively pursuing the nuclear tail around the six-party table, we have contributed to the horrible suffering of the people of North Korea and degraded the United States' long-standing commitment to fundamental human rights.

Like the inmates of the Soviet Gulag or the Nazi concentration camps of the 1930s, about 200,000 to 300,000 hapless victims in North Korean camps wait for help. Our silence to these and other outrages is perhaps Pyongyang's greatest victory to date. We want them to dispose of fearsome weapons—they want our silence. And too often, we have acquiesced.”

Mr. President, I do not acquiesce to this nomination.

I now ask unanimous consent the full article by Rabbi Abraham Cooper be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CLINTON STRIKES BLOW FOR NORTH'S HUMAN RIGHTS

(By Rabbi Abraham Cooper)

Give Hillary Clinton her due. Her first overseas foreign policy trip as secretary of state pits her against an adversary, North Korean leader Kim Jong-il, who over the last 16 years effectively took both the Clinton and Bush administrations to the cleaners.



Despite profoundly different worldviews, the United States has played pretty much the same cards at the six-party table. The main goal: securing a nuclear-defanged North Korea.

"Complications," like human rights, were effectively sidelined. Incredibly, some "Korean experts" are pushing hard for Secretary Clinton to pursue the same approach.

Nuclear deal, uber alles. They still imagine that North Korea has the same objectives as we do: that Pyongyang wants to seek benefits for their starving people, that it wants to advance economically, and that it pursues political objectives because of nationalistic fervor.

And, most dangerously, some experts dismiss the regime's missile-rattling as merely a means to attract attention and extract a higher price when they eventually give up their nuclear bargaining chips. The operative assumption is that they, like us, ultimately want to succeed in achieving a negotiated agreement.

But in pursuit of the prize, we have ignored Pyongyang's statements that they will never compromise on military objectives and will never relent on its nuclear program.

We have failed to recognize that the North Koreans leverage the process of negotiations to get benefits, while using any pretext to avoid fulfilling verifiable agreements on the issues that trouble the rest of the world.

If this process also degrades our alliances with Japan and South Korea and stymies the advance of good relations and China, their true objectives—putting us and our regional friends in a difficult position—will have been achieved . . . again.

By exclusively pursuing the nuclear tail around the six-party table, we have also contributed to the horrible suffering of the people of North Korea and degraded the United States' long-standing commitment to fundamental human rights.

Like the inmates of the Soviet Gulag or the Nazi concentration camps of the 1930s, about 200,000 to 300,000 hapless victims in North Korean camps wait for help.

Every day, they are forced to renounce their very humanity. How else to survive when prison guards threaten to chop off a child's hand to force a confession from a parent?

Why doesn't that guard, or those who've run gas chambers or performed experiments on political prisoners, have any reason to fear punishment under international law?

Our silence to these and other outrages is perhaps Pyongyang's greatest victory to date. We want them to dispose of fearsome weapons—they want our silence.

And too often, we have acquiesced. For the past two years we have let Japan go it alone in its fight to bring back citizens who were abducted by North Korea, kidnapped as they walked the streets of their hometowns in Japan.

As many as 80 Japanese are estimated to have been taken against their will to North Korea, where they are forced to train North Korean spies, enter arranged marriages and serve other interests of the Kim Jong-il regime. Kim himself admitted to 13 abductions.

In our eagerness to obtain that elusive agreement in which we imagine North Korea might divest itself of a bargaining chip it has devoted decades to develop at great expense, we sacrifice our own commitment to human rights.

The logic of doing so was never stated more vividly than in the written statement of a private witness at last week's hearing before the House Foreign Affairs Committee: "Japan will continue to be part of the problem rather than part of the solution when it comes to engaging North Korea, despite

being one of our most important allies. By allowing the abduction of a handful of its citizens decades ago to dominate all policy considerations when it comes to the North, Tokyo has become irrelevant at the nuclear talks," the statement said, implying that being part of a negotiating process should outweigh a nation's interest in the rights of its own citizens. Thankfully, Hillary Clinton disagrees.

Secretary Clinton's visit to Asia is extremely important. So far, she's been making it clear that we are willing to negotiate with North Korea, but at the same time, by meeting with the families of some of the abductees, she is signaling that the United States will no longer abandon them or our fundamental values.

Mr. BROWNBACK. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that at 5:15 p.m. today, the Senate resume consideration of the Ensign second-degree amendment, No. 715, and that the amendment be modified with changes at the desk and there be 2 minutes of debate equally divided and controlled in the usual form prior to a vote in relation to the amendment; that upon the use of that time, the Senate proceed to a vote in relation to the amendment; that upon the disposition of amendment No. 715, as modified, the Baucus-Grassley amendment, No. 692, as amended, if amended, be agreed to and the motion to reconsider be laid upon the table, and that the Senate then resume consideration of amendment No. 693 and that the amendment be modified with the changes at the desk; that once modified, the amendment be agreed to, as modified, and the motion to reconsider be laid upon the table; that the Senate then resume consideration of amendment No. 717, and that the amendment be agreed to and the motion to reconsider be laid upon the table, and that no amendments be in order to any of the amendments covered in this agreement prior to a vote in relation thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 715), as modified, is as follows:

On page 2, line 20, insert before the period the following: "which shall include crisis pregnancy centers, organizations that serve battered women (including domestic violence shelters), and organizations that serve victims of rape or incest".

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

#### AMENDMENT NO. 715, AS MODIFIED

Ms. MIKULSKI. What is the pending business?

The PRESIDING OFFICER. There is now 2 minutes equally divided before a

vote on amendment No. 715, as modified.

Ms. MIKULSKI. Which is the Ensign second-degree amendment?

The PRESIDING OFFICER. That is correct.

Ms. MIKULSKI. Thank you. As I understand it, the Senator from Nevada does not wish to speak.

Mr. ENSIGN. I yield back my time.

Ms. MIKULSKI. I will comment that the Ensign amendment would make an unnecessary, divisive change to the bipartisan amendment offered by Senators BAUCUS and GRASSLEY. Senators BAUCUS and GRASSLEY create a non-profit, capacity-building program that would fund grant programs to provide technical assistance to small charities: how to manage finances, accurately file tax returns, et cetera.

There is no limitation in the Baucus-Grassley amendment on the type of charities that can access these training opportunities. Therefore, the Senator from Nevada's amendment is unnecessary.

Therefore, I move to table the Ensign amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 41, as follows:

#### [Rollcall Vote No. 111 Leg.]

##### YEAS—56

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Byrd	Landrieu	Snowe
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	

##### NAYS—41

Alexander	Crapo	McCain
Barraso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Casey	Hutchison	Shelby
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Conrad	Kyl	Voinovich
Corker	Lugar	Wicker
Cornyn	Martinez	

NOT VOTING—2

Enzi

Kennedy

The motion was agreed to.

AMENDMENTS NOS. 692, 693, AS MODIFIED; AND 717

**THE PRESIDING OFFICER.** Under the previous order, the following amendments are agreed to: Amendments Nos. 692, 693, as modified, and 717. The motions to reconsider those votes are considered made and tabled.

The amendments (Nos. 692 and 717) were agreed to.

The amendment (No. 693), as modified, was agreed to, as follows:

On page 115, line 15, strike "1 percent" and insert "2 percent".

On page 115, line 20, strike "\$10,000,000" and insert "\$20,000,000".

On page 213, after line 21, insert the following:

(b) **AMENDMENT.**—Subtitle F of title I is further amended by inserting after section 184 the following:

**"SEC. 184A. AVAILABILITY OF ASSISTANCE.**

"A reference in subtitle C, D, E, or H of title I regarding an entity eligible to receive direct or indirect assistance to carry out a national service program shall include a non-profit organization promoting competitive and non-competitive sporting events involving individuals with disabilities (including the Special Olympics), which enhance the quality of life for individuals with disabilities."

**THE PRESIDING OFFICER.** The majority leader.

**CLOTURE MOTION**

**Mr. REID.** Mr. President, we have made progress on this legislation. I appreciate very much the hard work of Senator MIKULSKI and appreciate the cooperation we have received on this side of the aisle. We are going to work through more amendments tomorrow—if, in fact, there are other amendments. It is my understanding the Thune amendment is one we will vote on. We will not do that tonight. We will do it in the morning at a convenient time for everyone. I am going to file cloture tonight. I hope it is not necessary that we vote to invoke cloture. We should not have to invoke cloture on a bill such as this. This is a bill that is unquestionably bipartisan. We have given hours and hours of time for people to offer amendments, to speak on the bill, speak on the amendments. As everyone knows, this is our last weekend prior to the Easter recess and next week is going to be a real difficult week. They always are when we do the budget. So it would be a good idea if we could finish tomorrow so people could go back to their States and do what they need to do before the difficult week we have next week. But if we can't finish this, we will have to vote for cloture and either the Republicans will allow us to move the vote up to Thursday or we will have to do it Friday morning. That means if people want to continue being difficult—and I am confident that will not be the case—then we would have to finish this on Saturday. We have to finish this legislation before Monday. We have to start on the budget Monday. There is 50 hours of statutory time. That time has to start running Mon-

day. We will come in at an early time on Monday to get that going.

I had a small conversation today with Senator GREGG. He has an idea of how many amendments the Republicans wish to offer. This is one of those times when we have to look forward to what we have next week.

I send a cloture motion to the desk on the substitute amendment.

**THE PRESIDING OFFICER.** The cloture motion having been presented under rule XXII, the clerk will report the motion.

The legislative clerk read as follows:

**CLOTURE MOTION**

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Mikulski substitute amendment No. 687 to H.R. 1388, a bill to reauthorize and reform the national service laws.

Harry Reid, Barbara A. Mikulski, Patrick J. Leahy, Daniel K. Akaka, John F. Kerry, Jeff Bingaman, Russell D. Feingold, Carl Levin, Jon Tester, Robert P. Casey, Jr., Benjamin L. Cardin, Jeanne Shaheen, Roland W. Burris, Sheldon Whitehouse, Robert Menendez, Kirsten E. Gillibrand, Patty Murray.

**Mr. REID.** I ask unanimous consent that the live quorum not be necessary.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

**CLOTURE MOTION**

**Mr. REID.** I send a cloture motion to the desk.

**THE PRESIDING OFFICER.** The cloture motion having been presented under rule XXII, the clerk will report the motion.

The legislative clerk read as follows:

**CLOTURE MOTION**

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 1388, a bill to reauthorize and reform the national service laws.

Harry Reid, Barbara A. Mikulski, Patrick J. Leahy, Daniel K. Akaka, Jeff Bingaman, Joseph I. Lieberman, Russell D. Feingold, Carl Levin, Jon Tester, Robert P. Casey, Jr., Benjamin L. Cardin, Jeanne Shaheen, Roland W. Burris, Sheldon Whitehouse, Robert Menendez, Kirsten E. Gillibrand, Patty Murray.

**Mr. REID.** Mr. President, I ask unanimous consent that the mandatory quorum be waived.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

**Mr. REID.** Mr. President, for the knowledge of all Senators, there will be a briefing here tomorrow, in the Visitor Center in the closed hearing room, dealing with Afghanistan. There is going to be a report come out from the White House tomorrow. Ambassador Holbrooke will be here to brief all Senators. I wish we could have given everyone more notice. I didn't know about it until 4 o'clock today. I am sorry about that. I know attendance may not be perfect because at 12 noon, there is going to be a series of votes in the Budget Committee. There will also be a series of votes at 3:30 tomorrow

afternoon in the Budget Committee. What we accomplish on the floor, we are going to work around these votes that come from the Budget Committee. I would hope we could wrap up this bill right after that briefing, which will end at 5 o'clock tomorrow afternoon.

**THE PRESIDING OFFICER.** The Senator from Maryland.

**Ms. MIKULSKI.** Mr. President, I believe we can wrap up this bill. I am not aware of many more amendments on our side of the aisle. We will be able to come to closure on ours, I believe, even before noon tomorrow, acknowledging what will happen in the Budget Committee. So we would like to be able to move expeditiously.

I would hope we would not have to be in session late on Friday or on Saturday. And, in fact, I would suggest that Members go home to their communities and volunteer. There is always some good work to be done. This is about national service. We have heard about the good 'ol platoons all over America. There are communities that need our help more than they need long-winded speeches on the Senate floor. So let's do some heavy lifting in the Senate, and let's do some heavy lifting in our communities. But let's bring this bill to an end tomorrow night.

I really want to thank my colleague, Senator HATCH, for the excellent cooperation he and his staff have given us, along with Senator ENZI, who I know continues to be snowed-in in Wyoming. We do not want to be snowed-in in the Senate. We have now filed cloture. Let's get this bill done.

**Mr. President,** questions have been raised about the intent of section 1705 giving the chief executive officer authority to delegate specific programmatic authority to the States. In particular, strong concerns have been raised that corporation officials would use this authority to eliminate the State offices of the corporation and adversely impact the operation of VISTA and the Senior Corps.

The committee intends that the chief executive officer will use this authority judiciously to improve the operation of the all of the corporation's programs by using a consultative process that includes all of the stakeholders in the affected programs. The committee expects the corporation to continue the staff from State offices at an operational level that is at least equal to the current one.

**Mr. DORGAN.** Mr. President, I rise today to speak on my amendment that has been offered to the Serve America Act. I would first like to thank my colleague, Senator MURKOWSKI, for offering this amendment on my behalf. She is a cosponsor to this amendment along with a number of my other colleagues, including Senators BINGAMAN, JOHN-SON, AND BARRASSO.

My amendment will accomplish two things: First, it will designate a permanent Strategic Advisor for Native American Affairs at the Corporation

for National and Community Service. And second, it will ensure that Indian Tribes remain eligible to compete for national service grants.

I want to applaud the Corporation for National and Community Service for recognizing the need for a tribal liaison over the past year. That office has helped make tribal communities more aware of the opportunities that the Corporation offers.

Making this position permanent will further increase tribal community in all national service programs. In addition, the office would collect information on challenges to tribes to better address tribal program needs.

The amendment places the designation of this position under the duties of the chief executive officer of the Corporation for National and Community Service and would greatly help to develop and enhance programming to address the unique needs of Indian tribes.

The second part of this amendment would ensure that tribal governments remain eligible for nationally competitive grants. Existing law allows tribes to compete for funds with states and national nonprofit organizations. The bill as currently written would remove tribal eligibility to compete for these grants. My amendment merely maintains existing law, and acknowledges Indian tribes as eligible entities for these competitive grants.

As my colleague from Alaska noted, many of the proposed Corps in this act address the very issues which are most critical in Indian Country. Grants under the activities and indicators of the Education, Healthy Futures, Clean Energy, Veterans and Opportunity Corps would provide many volunteers from tribal organizations, States, and national nonprofits numerous opportunities to work on reservations.

My hope is that the Corporation will continue to encourage the use of these Corps on Indian reservations though the proposed strategic adviser for Native American affairs in a way which will help tribal communities and individuals.

American Indians have the lowest level of educational attainment of any racial or ethnic group in the United States. Only 13.3 percent of Native Americans have an undergraduate degree, compared to the national average of 24.4 percent. Volunteers in the Education Corps who offer their time as mentors and tutors in Indian Country could help improve these numbers for our First Americans.

Moreover, the Health Futures Corps could assist with volunteers for individual American Indians who need help obtaining health services or navigating the health care system. The Clean Energy Corps might facilitate volunteers for Indian Country to assist with weatherization of homes on Indian reservations. The Veterans Corps is able to send volunteers to work with American Indian families who have a family member deployed overseas. Finally, the Opportunities Corps could provide

volunteers to increase financial literacy in Indian communities where this assistance is desperately needed.

In addition, organizations who participate in the national service programs, such as the Boys and Girls Club, are active through these national service programs in Indian Country and they provide a much needed positive environment where Native American youth can go to celebrate their culture and community.

I would like to reiterate how important these national service programs are to Indian Country and thank the Corporation for National and Community Service for recognizing that importance. I urge my colleagues to support this amendment to the Serve America Act.

#### MORNING BUSINESS

Ms. MIKULSKI. Mr. President, I now ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia.

#### THE PRESIDENT'S PROPOSED BUDGET

Mr. CHAMBLISS. Mr. President, I rise today to speak about the President's proposed budget.

A real sense of unease is pervading the country right now, and it is not just the stock market or unemployment fears or the housing crisis. There is a genuine apprehension about where our Nation is headed financially.

In my travels throughout my home State this past weekend, I had the opportunity to talk to Georgians from Atlanta, to Waycross, to Blakely, to Macon, and to hear what is on their minds. One of their main concerns is the budget the President has sent to the Hill and the financial hole into which it will put this country, our children, and our grandchildren.

They are right to be worried. The independent, nonpartisan Congressional Budget Office released its analysis of the President's proposed budget on last Friday. Its assessment is very troubling. The CBO's estimate for the cost of this budget exceeds that of the Obama administration's estimate by \$2.3 trillion over a 10-year period. By borrowing and spending so much money, the CBO projects that the public debt—the amount we have to pay back to our creditors—will grow to 82 percent of GDP by 2019. The last time that happened, America was paying off a massive debt it incurred from fighting in World War II. According to the CBO, this year, 2009, the total deficit is estimated to hit \$1.9 trillion. By 2018, the CBO projects annual deficits to be more than \$1 trillion every year, and rising. Under the terms of this budget, the annual deficit, in 2013, is slated to be \$672 billion—or more than 4 percent

of estimated GDP. That is one of the largest deficits in American history, but it is actually the smallest projected deficit in this entire budget.

Back in 2004, before he was the President's Director of the Office of Management and Budget, current OMB Director Peter Orszag wrote that repeated deficits of 3.5 percent or more will put this country on an "unsustainable path" and would result in "a related loss of confidence both at home and abroad." He was right. But we are feeling that loss of confidence among Americans now, much less among those whom we are looking to to buy that huge debt we are creating.

To put it plainly, people are worried. These are people such as Phil Perlis, who owns a family clothing business in Tifton, GA. Phil's family has owned The Big Store for almost a century, and it employs approximately 20 people. I know Phil and his family very well. Phil said this is the toughest year he has ever had. He has been "squeezed in every place imaginable." The days of feeling comfortable about making a profit no longer exist, and he simply hopes to be in business this time next year. His confidence is shaken. And given the business climate and the economic issues in Washington—and despite his positive attitude—Phil predicted to me the other day that very trying times are ahead for his store, as well as all other small businesses across America.

He is not alone. Americans, despite the optimism that is our birthright, already feel a sense of disquiet about the direction our Nation is headed economically. As an example, the national savings rate has gone from zero in 2005 to 8 percent today. For the good of their families, Americans are trying to hold on to what they have, not throwing caution to the wind and hoping for a future financial miracle. For the good of our country, our children, and our grandchildren, our Government should do the same.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

#### THE BUDGET

Mr. DURBIN. Mr. President, next week the Senate is going to take up the budget. The budget, of course, is one of the most important documents the Congress considers each year. It is really the blueprint for spending. At the end of that debate in the Senate, hopefully the budget will pass and the same thing will happen in the House. The two Chambers will come together and agree on a spending pattern for the

next fiscal year, which begins October 1.

It is an elaborate process, a lengthy process, many times a divisive process, but one that is absolutely essential because this budget book really reflects who we are and where our values are. That is why we spend so much time thinking about it and planning it. We have to look ahead, and not just to the next fiscal year from October 1 of this year through September 30 of 2010 but to what the budget will mean in the outyears. What will it do for the following year? What do we anticipate will happen?

Some of it is speculation. There are great speculators, and people paid a lot of money to speculate on what is going to happen to the economy, and they come up with different conclusions. I was thinking the other day, when the Congressional Budget Office came out with different projections for economic growth: I wonder if any speculators on economic growth 2 years ago would have predicted we would be where we are today. I do not think so because there would have been a race for the exits, with people selling their stocks and mutual funds and liquidating as fast as they could. We did not receive fair warning this was going to happen, although there were some storm clouds that really should have been heeded.

Well, when this President came to office, he inherited quite a situation. We started the year 2009 with President Obama in the midst of a crisis unlike any we have seen in our lifetime. As the Budget Office book indicates, our economy is in deep recession that threatens to be deeper and longer than any since the Great Depression 75 years ago.

More than 3.5 million jobs were lost over the past 13 months, before President Obama came to office—more jobs than at any time since World War II. Another 8.8 million Americans who want and need full-time work have had to settle for part-time jobs. Manufacturing employment has hit a 60-year low. Capital markets are virtually frozen, making it difficult for businesses to grow and families to borrow for a home, a car, or the college education expenses of their kids. Families are struggling to pay their bills and make their mortgage payments. Trillions of dollars of wealth have been wiped out. There is hardly anyone with a savings account or any kind of investment who has not seen it diminished by this economy over the last year. That is just a fact.

It is in that environment and in that context that we discuss what to do in the next budget. What should the Federal Government do in light of these economic realities?

Well, the first thing we did for this President was to pass a recovery and reinvestment package, the stimulus bill. The President came to us and said: Here is the fundamental problem we run into. People are worried. When their confidence is low, they stop

spending. And if they are not spending on basic appliances and cars and things people spend money on, then, of course, there is no demand for goods and services. Without that demand, businesses start contracting and shrinking, laying off employees, and the situation goes from bad to worse.

So the President came to us and said: I am asking for \$800 billion in a recovery and reinvestment package to try to breathe some life back into this economy, to create jobs and save jobs, so people will have a paycheck they will spend for goods and services, which will invigorate businesses across America.

That, to me, was just fundamental. I took some economics courses in college way back when, and we basically learned what was known as Keynesian economics; that is, if you do not have enough aggregate demand in your economy, you can create that demand in three different ways: consumer spending, investment, or Government spending. Well, we cannot get people to invest because they are afraid of the stock market. Consumer spending is down because people are worried about the future. That leaves you one option: Government spending.

A lot of people say: Well, how can we spend money—\$800 billion—Senator, when we have all these deficits? You are just piling up more debt for our kids to pay. There is truth to that, but it does not tell the whole story. If we do not turn this recession around, if we do not put people back to work and businesses back in business, then, sadly, the recession gets worse, the overall deficit gets worse, and the prospects that those kids of yours or grandkids will even find a job are diminished. So our investment in the recovery plan is a basic investment to try to create more consumer demand for goods and services and get the economy chugging forward again.

The budget the President proposes, the one for the next fiscal year, for our Government that we will be debating next week on the floor of the Senate, is a smart, fair, and responsible budget. The President has proposed—and he described it last night in his press conference—to restore fairness for middle-class families, reestablish responsibility in the budgeting process, and make smart investments for America's future. I think we have to do all three.

The Republican response to this on the other side of the aisle is that the President's budget just spends too much money. It taxes too much. It borrows too much.

The President's increase in what we call nondefense discretionary spending—that is outside of the mandatory programs such as Social Security and Medicare and Medicaid and other programs, veterans programs, and defense spending—all the rest of the budget is relatively small in comparison. But it is true that the President calls for increased spending in that area—but in two specifics: one, more money for veterans. You cannot visit a veterans hos-

pital or meet with veterans today without realizing that the promise we made to them has to be kept, and it will cost money. I had a hearing today where two generals spoke to us from the Air National Guard and the Army National Guard and they talked about returning veterans and the problems they face, and we know there are many. Some come home with terrible wounds from war and have a long period of time ahead of them for rehabilitation and recovery. Some, however, come home with invisible wounds, psychological wounds, posttraumatic stress disorder and the like. LTC Vaughn from the Army Guard and Reserve said that suicide rates are up 140 to 150 percent. The same thing is true with the air guard returnees. It is an indication that we have an obligation that needs to be met. We need to spend money to make sure these veterans get the kind of care we promised, to put them back in a position in life where they can proceed to get a job and build a home and a family and have a good future. They served us. They risked their lives for America. We promised we would stand by them. President Obama keeps the promise in this budget.

When the Republicans on the other side say cut spending, I wonder if we will see any amendments from the Republican side to cut President Obama's requested increase in spending to help our veterans. It is one of the highlights of his budget. I don't think they will offer that amendment. They may complain about the spending level, but I doubt if they will stand up here and say we are spending too much money on our veterans.

The President, of course, puts money into education, as he should. President Obama understands that a lot of middle-income families are struggling to keep their kids in school. Sometimes they are not making as much money at home as they used to. Some kids have been asked to come home from the campuses and not go back to school for awhile until things get better. Well, that interrupted education is not good, and we want these kids, these young men and women, to have a bright future. President Obama's budget spends money in providing financial and tax assistance to students in school. If that isn't a smart investment for our future, I don't know what is. It is critically important.

So to my Republican friends who say we spend too much, I guess my basic answer to them is: Please show us your budget. Unfortunately, what we have heard and what we have seen from the Republican side of the aisle is the same old politics and the same old policies—policies that brought us into this economic mess, and they still cling to them. Unfortunately, they don't reflect the reality of where America is today.

They say, of course, on the Republican side that the President taxes too much—taxes too much in his budget. Well, since 95 percent of Americans would receive a tax cut and any tax increases are for the richest Americans—

those at the highest level of income—then apparently the Republicans are complaining because those who are well off might end up paying more in taxes.

Over the last several weeks we have heard quite a bit about how some of the wealthiest people in America are getting by and being compensated. I recognize that every wealthy American hasn't contributed to the decline in our economy, and not every wealthy American pulls down a hefty AIG bonus each year, but we are in this together. If we are asking sacrifice from average working families—and we are—is it too much to ask those making over \$250,000 a year to pay a little bit more in taxes? People making over a quarter of a million dollars a year will have to pay a little bit more under President Obama's budget. That is a fact. Their taxes will go up. The complaints from the other side must be about those tax increases, because the overwhelming majority—95 percent of American families—will see a tax cut, the President's Making Work Pay tax cut.

Some of my friends on the other side of the aisle seem to have no problem asking middle-class American workers—people making \$35,000 or \$40,000 a year—to make wage and salary concessions when they renegotiate their contracts, but if you ask those on the other side of the aisle whether people making over a quarter of a million dollars a year or half a million a year or \$1 million a year should pay a little more in taxes, they say it goes too far, it is fundamentally unfair. I disagree with that point of view. What the President has proposed is smart, fair, and responsible. Ninety-five percent of Americans will see their taxes go down, as long as those tax cuts are paid for.

To those who say that raising taxes on anyone is a sure way to ruin the economy, look back to how our economy performed in the 1990s. Most Americans would gladly trade the prosperity of that decade for today's economy. No one in America will pay more taxes under the Obama budget than they would have paid in the 1990s under the Clinton administration. This budget takes a fair, responsible, and targeted approach to the current imbalance in our taxes.

Then, of course, there is the criticism on the Republican side that President Obama's budget borrows too much, borrows too much money. Well, let's reflect on history for a moment. Eight years ago when President George W. Bush took office, he inherited a surplus from President Clinton, a 2-year surplus when we were generating more revenue than we were spending in Washington. It hadn't happened in 30 years, but it happened under a Democratic President. George W. Bush inherited this. At the time he came to office, the sum total of the debt of America, from the days of George Washington through the Clinton administration, was about \$5 trillion. President George W. Bush inherited a budget

with a surplus and a \$5 trillion mortgage on America. At the end of 8 years, what did President George W. Bush and the Republican administration leave us? The largest annual deficit in American history—\$1.3 trillion—and a doubling of the national debt. In 8 years, President George Bush doubled all the debt accumulated by America in the entire history of our Nation.

That happened on the watch of the Republicans who supported that President's policies. Now, this President, 65 days into his Presidency, is being accused of borrowing too much money, inheriting an economy flat on its back, trying to spend money and get us moving forward, and the criticism from the other side is he is going to have to borrow money.

Where was all this worry about borrowing too much when nearly all the Republicans voted to permanently repeal the estate tax, a repeal which would cost the American taxpayers \$1 trillion—\$1 trillion—in order to provide a tax break to the wealthiest three-fourths of 1 percent of Americans? I can tell my colleagues, many of the same Senators who were crying copious tears over the thought of going into debt were the first to step forward and say, Give a tax break to the wealthiest people in America and we don't care what debt it incurs. I think their priorities are wrong.

Where was this worry about borrowing too much when the Bush administration turned that Clinton surplus into the largest pile of debt this Nation has ever seen? Remember Vice President Dick Cheney's favorite quote: "Reagan proved deficits don't matter." Well, I don't agree with that view. They do matter, to our kids and our grandkids. But those who should have been worrying about our deficits over the past 8 years turned a blind eye to them. They went along with Vice President Cheney. They said deficits don't count. They refused to do anything, while our national debt doubled under the last Republican administration, and we built up enormous debts we still owe to China and Japan, OPEC, and many other nations. They refused to act when our economy was growing and could have easily absorbed the necessary change. Now, when our economy is struggling and we need to spend the money to move forward, these same Republicans have decided that deficits are bad news. They have suddenly gotten a new brand of religion and they want us to end the deficits they supported in the first place. They were wrong then and they are wrong now. If we want to turn around the economy, now is the time for smart investments that pay off over the long term. We want to make sure we create jobs and business opportunities, investing in things that will pay off for a long time to come. The President spelled them out last night.

We know if we invest in health care in America to reduce the cost so that individual families and businesses,

State and local governments, as well as the Federal Government, have a reduced increase in the cost of health care each year, it will help us balance the books. President Obama is dedicated to doing that. It will not only be good from a budget viewpoint, it is good from a health care viewpoint. It makes health insurance more affordable. It makes health care more affordable. It will mean that by modernizing and computerizing health records, we will have a better diagnosis and we will avoid the medical errors that frequently occur when information isn't gathered correctly and completely. So that investment in health care is part of President Obama's spending, spending to bring us out of the recession the right way: investing in our future.

He also invests in energy. It wasn't that long ago we were captives of the oil cartels that decided how much we would pay for gasoline. It went up to about \$4.50 in the Midwest. In Illinois, where I am honored to be Senator, people were hurting. Filling a gas tank was a big deal. I remember pulling my little Ford pickup truck into a gas station in Springfield to fill it up on the weekend and it was 60 bucks and I couldn't believe it. I had never paid 60 bucks to fill up that little truck, ever. That is what happened. For other folks, they had to fill up every other day to get back and forth to work. We were the captives of these oil cartels, these dictators, who were draining off hundreds of billions of dollars from families and businesses in America for overpriced oil—\$120 a barrel and beyond. President Obama wants to bring that to an end. He wants us to move toward energy independence.

He wants to invest in making certain we have green energy sources, renewable and sustainable, right here at home. Is that a good thing for the long term? I think it is one of the best investments we can make. It is the kind of smart investment we need in a budget which many of my friends on the other side of the aisle have rejected. They were the first to complain about gas prices. They are obviously the last to sign up for changing our energy economy.

The third area, of course, is education. I wouldn't be here today without it. Most of us have profited from education that has given us chances we never dreamed of. President Obama can tell that story personally and many others can as well. His investment in education is to make sure we have better teachers, better classrooms, new libraries, laboratories, buildings that will service us in the 21st century. These are investments that will pay off for a long time to come as our kids get the education they need to compete in the 21st century.

We will hear a lot about the budget debate next week. There will be a ton of amendments. There always have been. Everybody has their favorite issue, their favorite amendment. But when it gets down to the bottom line,

the question is what that budget will say about who we are and what we value. President Obama has proposed a budget that will make critical investments in our Nation's highest priorities at a time when America needs them more than ever. This budget would provide a little bit of help to hard-working families who desperately need it: tax cuts, as long as we pay for them, education assistance, health care, and alternative energy investments. That is what this budget is all about. The budget restores fairness, re-establishes responsibility.

Incidentally, we are finally going to put in this budget the real cost of Iraq and Afghanistan. For 8 years the Republican administration ignored it, wouldn't count it, said it was some mystery emergency spending. We know better. This budget is more honest.

We also realize to make smart investments—and this budget will make a lasting impact on our country by improving our economy, that will benefit our children and grandchildren for many years to come.

When the time comes next week, I hope my colleagues will step forward, be part of a new era of responsibility, be part of renewing America's promises, promises we have made that we will show good stewardship in leading this country out of this recession into a bright day tomorrow.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL SERVICE REAUTHORIZATION ACT—Continued

AMENDMENTS NOS. 691, 712, 695, AS MODIFIED,  
AND 696, AS MODIFIED

Mr. DURBIN. Mr. President, notwithstanding the pendency of H.R. 1388, I ask unanimous consent that it be in order for the Senate to consider the following amendments and that, where applicable, the amendments be modified with the changes at the desk; that the amendments be agreed to, as modified, where applicable, and that the motions to reconsider be laid upon the table en bloc: amendment No. 691 and amendment No. 712; that amendments Nos. 695 and 696 be called up for consideration, and that each amendment be modified with the changes at the desk; that the amendments, as modified, be agreed to and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 691 and 712) were agreed to.

Mr. DURBIN. Mr. President, I ask that amendments Nos. 695 and 696 be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for Mr. BURR, proposes amendments numbered 695 and 696, as modified.

The amendments are as follows:

AMENDMENT NO. 695, AS MODIFIED

(Purpose: To provide for outreach to high schools with low graduation rates)

On page 19, line 22, strike "identified for school improvement under title 1" and insert "not making adequate yearly progress for two or more consecutive years under section 1111."

AMENDMENT NO. 696, AS MODIFIED

(Purpose: To clarify references to high school graduation rates)

On page 49, line 15, insert "(as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in applicable regulations promulgated by the Department of Education" after "graduation rate".

On page 59, line 9, insert "and as clarified in applicable regulations promulgated by the Department of Education before"; and".

On page 69, line 14, insert "and as clarified in applicable regulations promulgated by the Department of Education before the semicolon."

The PRESIDING OFFICER. The amendments, as modified, are agreed to, and the motions to reconsider are laid upon the table.

The amendments (Nos. 695 and 696), as modified, were agreed to.

#### FLOODING IN NORTH DAKOTA

Mr. DORGAN. Mr. President, Senator CONRAD and I and Congressman POMEROY, our two colleagues from Minnesota, Senator KLOBUCHAR and Congressman PETERSON, met with President Obama just a few moments ago in the Vice President's Room behind the Chamber to talk about the flood threat in our region. This is today's NOAA flood warning map of our country, and you will see that North Dakota is entirely green. The green represents the flood warning areas in our country. We have an entire State under a flood watch.

The headline in our State today is "Blizzard Blasts The State." We have a raging blizzard that has gone on now for the last day and a half. It has closed the interstate highways. We have had up to 18 inches of snow in some areas, and then we have unbelievable flooding threats up and down the Red River and the Red River Valley of North Dakota. Now we have an urgent flood threat that exists in Bismarck, ND, as I speak.

I think it would probably be helpful just to show a few of the scenes. This is piling sandbags. They have had nearly 3 million sandbags filled in a very short period of time with college and high school students and National Guard and others in the Red River Valley filling sandbags. As I said, 3 million sandbags in a very short period of time.

This is the North Dakota National Guard filling sandbags inside the Bis-

marck Civic Center. Just in the last 24 hours we have seen a threat to the capital city—a very significant threat—and that threat is described in this photograph. This photograph shows what is called an ice jam. There are two ice jams at this point on the Missouri River and the Knife River that flows into the Missouri River. This shows an ice jam. As I speak, they are trying with explosives to deal with this ice jam. There are two ice jams, and if this happens in the wrong way, and one ice jam gives at the wrong time, we will see the entire south side of the capital city of Bismarck, ND, with a substantial amount of water.

Evacuations are underway as I speak in portions of that city. The mayor and the Governor and others, the Corps of Engineers, virtually everyone is involved, and this is a very significant flood threat that just really in the last 24 to 48 hours has developed as a result of significant ice jams.

This is a city that has not had substantial flood threats since the dam was built on the Missouri River about 60 miles north of Bismarck, ND. But these ice jams have completely changed the calculation and pose a serious threat to the city of Bismarck today. There is a great deal of work going on in the city. I say to all of them how much we admire the work they are doing. They are heroes. There are so many in the military and volunteers who are filling sandbags and doing the work that is necessary to fight that flood.

The Red River Valley flood—this is volunteers in the Fargodome filling sandbags. As I said, several million have now been filled. It appears that this flood could very well top the estimates of the 1997 flood. In 1997, in the Red River Valley, Grand Forks, ND, a community, then, of about 45,000 to 50,000 people was completely evacuated. I rode down the streets of Grand Forks in a boat in a community that was completely evacuated. In the middle of that flood, the center part of that downtown city caught on fire, and we had the spectacle of firefighters in the middle of a flood trying to fight a fire in a downtown area that had been completely evacuated.

This is the Red River Valley. It is completely flat, as flat as a table top. You can't see a hill in any direction. So because of unprecedented amounts of moisture—snowfall and rainfall—and because all of that occurred on top of ground that last fall, when it froze up was completely saturated, we now see, once again, the threat of record levels of flooding.

This is sandbagging outside of Fargo homes in the last day or two.

This is flooding in Beulah, ND.

This is 70 to 80 miles north and west of Bismarck, ND.

This is a feed lot in Mandan, ND. You can't see any feed, and you can't see a lot.

All you can see is water. This is a flooded yard in Fargo, ND. This is the



outskirts of Watford City, ND, which is 175 miles away from Bismarck. This is what the Jamestown Airport runway looks like.

The point is that we face a very serious threat. The urgent threat at the moment is in Bismarck, with the determination to try to solve the problem with these ice jams to prevent substantial flooding in the capital city. Our thoughts and prayers are certainly with the folks who are there today trying to do that.

In the Red River Valley—I will be there tomorrow and, hopefully, in Bismarck tomorrow night—the crest is expected in Fargo, ND, on Saturday. Our hope is that the flood fight that is occurring there goes well. Fargo has a lot of experience fighting flood waters. The mayor and others have done an extraordinary job over the years. They are building earthen dikes, filling sandbags, doing all they can, in coordination with FEMA, the Corps of Engineers, the National Weather Service, the North Dakota National Guard, and others.

I wanted to simply explain the circumstances of why we met with the President today, spoke with the Secretary of Homeland Security yesterday, and why it is important. The President, by the way, said, as President Clinton did when Grand Fork was evacuated, that the point is, in these circumstances you are not alone. This Government of ours—at the city, State, and Federal levels—brings to a flood fight a substantial amount of capability and expertise and people who know what they are doing. Added to that, the volunteers from all over our communities have done an extraordinary job.

I spoke this morning to a person who runs what was formerly called the Crippled Children's School in Jamestown, ND, which has been called in recent years the Ann Carlson School. Disadvantaged circumstances exist for the children in that school, who, when a flood comes, are not as mobile as others. They had to evacuate the Ann Carlson School yesterday. I think there were 60 to 70 children there who live in that school. They had to be evacuated. Again, these are kids with a lot of needs. They had 75 young student athletes show up from the high schools and colleges, and in 4 hours they evacuated that school. They had to take the beds and all of the special equipment those children need. In 4 hours, all those young athletes did that. The fellow who runs that school told me it was extraordinary to see how many showed up to say: Let us help you. So there is a lot going on.

I am going to travel to both the Red River Valley and to Bismarck. I wanted my colleagues to understand the circumstances. Again, to put the first chart back up, you will see that today's NOAA estimate of our country shows that our entire State is under a flood threat. It has been an extraordinary winter. Even as we have this

threat, there is a raging blizzard that is shutting down interstate highways in our State and is dropping as much as 18 inches of snow. It has been a tough time.

North Dakotans are pretty resilient people. We will get through this. I wanted to tell my colleagues about this and about why I met with the President.

#### 188TH ANNIVERSARY OF GREEK INDEPENDENCE

Mr. REID. Mr. President, I rise today to recognize Greek Independence Day. My home state of Nevada is home to one of the most vibrant Greek communities in the United States, and I am pleased to join in celebration with my fellow Nevadans and Greek Americans all around our country on this 188th anniversary of the independence of Greece.

The political and philosophical legacy of ancient Greece is the very cornerstone upon which our great experiment in American democracy rests, and the United States and Greece share a proud history of cooperation and friendship. Our two countries joined together as allies in every major international conflict throughout the 20th century, and the valiant contribution of the Greeks to the Allied effort in World War II in particular cannot be understated.

Today, Greek Americans join together in celebrations both religious and secular, as Greek Independence Day coincides with the Greek Orthodox Church's celebration of the Festival of the Annunciation. As families gather to honor their Hellenic heritage with festive parades, prominent displays of the Greek flag, and preparation of traditional foods, I invite my fellow United States Senators to join me in congratulating the Greek Americans who have so enriched our country with their many contributions.

Earlier this week, I was pleased to support Senate Resolution 82, which passed the Senate by unanimous consent, and recognizes the 188th anniversary of the independence of Greece and celebrates Greek and American democracy. The strong partnership between the United States and Greece has prospered for nearly two centuries, and I look forward to many more years of friendship between our countries.

Ms. SNOWE. Mr. President, today marks a truly cherished day for the Greek people, Greek-Americans and for all the friends of Greece around the globe. It is the 188th anniversary of the day in 1821 when the people of Greece declared independence from the Ottoman Empire, signaling the beginning of the end of centuries of political, religious, and cultural repression of their proud and ancient culture. It took a further 8 years of heroic struggle before Greece secured its full independence.

Americans have long recognized that the ideals which guided our own strug-

gle for independence—liberty, democracy, and human dignity—were also the foundation for Greece's declaration of sovereignty. The United States and Greece were thus destined to become not only faithful allies but close friends. Nearly two centuries after the rebirth of Greek independence, our two nations and their citizens are bound by ever-strengthening bonds which link us through both a shared heritage of democratic values and a modern alignment of strategic interests.

Just as there is much to celebrate in the 188 years of modern Greece's independence, there are many challenges which it faces in the 21st century. Ongoing provocations by Turkey in the Aegean and irredentist actions by the Former Yugoslav Republic of Macedonia thwart Greece's quest for a stable southeastern Europe free of past centuries' often cataclysmic territorial adventurism. Ankara's continuing persecution of the Ecumenical Patriarchate of Constantinople—the leader of Greek Orthodox Christians around the world—and illegal occupation of the north of Cyprus remain an outrageous affront not only to Hellenes but to people everywhere who believe in human rights.

Therefore, on this anniversary of Greek independence, let us not only celebrate and congratulate our friends in Greece but also rededicate ourselves to strengthening the relationship that exists between our two great nations, so as to defend its foundational principles and ensure its vitality in the centuries to come.

#### TRIBUTE TO EDWARD R. WARD

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a member of our Armed Forces from my home State of Kentucky, 1LT Edward R. "Eddie" Ward, who is being inducted posthumously into the U.S. Army Aviation Association of America's Order of Saint Michael.

Established in 1900, the Order of St. Michael recognizes individuals who have contributed significantly to the promotion of Army aviation. Those selected have demonstrated the standards of integrity and moral character, displayed an outstanding degree of professional competence, and served the U.S. Army aviation or civilian aviation community with distinction. There are three levels of the Order of St. Michael—Bronze, Silver, and Gold. First Lieutenant Ward is receiving Gold, the top level, which is awarded when an individual exhibits the highest values of honesty and ethical character.

Ward first enlisted in the Army in 1901 at the age of 19. Six years later, at the age of 25, he was assigned by the signal officer of the Army to take charge of "... all matters pertaining to military ballooning, air machines, and all kindred subjects." Ward became the first noncommissioned officer of the enlisted nucleus that eventually evolved into the present-day Aviation Branch of the Army.

His career was comprised of a great deal of leadership. He headed the team that uncrated and prepared the Wright aircraft for military trials at Fort Omaha. He also served at several air schools including Fort Omaha and the Philippines Air School. However the majority of his career was spent in the Aeronautic Branch of the Signal Corps until his retirement from the armed forces in 1930.

The Order of St. Michael uses the story of St. Michael defeating the dragon to exemplify the bravery and gallantry associated with the aviation soldier and the boldness and swiftness of aviation on the battlefield. Edward Ward was a true Kentuckian and an American hero who epitomizes the heroism and courage told in this story. He was a prime example of the brave and dedicated soldiers that make our military the best in the world.

Mr. President, I ask my colleagues to join with me in recognizing 1LT Edward R. Ward's dedication to our military and our country.

#### OMNIBUS PUBLIC LAND MANAGEMENT ACT

Ms. CANTWELL. Mr. President, today, Congress can be very proud of a very significant accomplishment.

Because today, Congress stood up for the enjoyment and protection of some of our nation's most pristine and breathtaking wilderness areas, historical sites, national parks, forests, trails, scenic rivers, and oceans. This bill will help our country address the impacts of climate change on our coastal areas, and provide educational opportunities for our Nation's children.

Today, the U.S. House of Representatives will pass the Omnibus Public Land Management Act of 2009 one of the most sweeping conservation bills that Congress has passed in many years.

It is a huge victory for the generations of Americans who enjoy these sites each year.

It is a huge victory for our American heritage.

And, it is a huge victory for Washington State.

This bill has been through many twists and turns over the last year.

But today's successful vote could not have been possible without the tenacity and dedication of Majority Leader REID.

I thank the majority leader for his steadfast support and dedication to seeing that these important public land and ocean priorities became law.

Today, I would like to highlight some of the provisions in this bill that I am especially pleased to see go to the President's desk.

First, this package includes the Snoqualmie Pass Land Conveyance Act, which I sponsored. This bill would transfer an acre and a half of Forest Service land to the Snoqualmie Pass Fire District to help them build a new fire station.

For decades, the Fire District has been leasing its current site from the Forest Service. They operate out of an aging building that was not designed to be a fire station.

While they have been able to serve their community despite this building's many shortcomings, the time has come for us to pay them back for their hard work and dedication. With traffic on the rise and the need for emergency services in the area growing, the Fire District needs to move to a true fire station and this bill will finally help them do that.

Second, the Ice Age Floods National Geologic Trail Designation Act is included in this bill.

Since 2001, I have been working with communities in Central and Eastern Washington, the National Park Service, and community stakeholders to create an Ice Age Floods National Geologic Trail through portions of Washington, Oregon, Idaho, and Montana.

Visitors to the trail will not only provide an important economic boost to central and eastern Washington communities, but they will learn about an amazing, and often overlooked, part of our region's history.

You see, most people don't know that during the last Ice Age, when a glacial lake in Montana formed and deepened enough, the sheer force of the backed up water undermined the glacial ice-dam. And, the ice gave way in a crackling explosion.

The huge lake, bigger than all the rivers of the world today combined, was released all at once and carved its way through the Pacific Northwest. This changed the region's geography. But these cataclysmic floods have been a story that's gone largely untold. Because of this bill, more people will know this important part of Pacific Northwest history.

Third, this package includes my Pacific Northwest National Scenic Trail Act.

The Pacific Northwest Trail runs from the Continental Divide to the Pacific Coast, is 1,200 miles long, and is one of the most pristine and breathtaking trails in the world.

This carefully chosen path runs through the Rocky Mountains, Selkirk Mountains, Pasayten Wilderness, North Cascades, Olympic Mountains, and Wilderness Coast.

From beginning to end it passes through three states. It crosses three National Parks. And it winds through seven National Forests.

Finally, this trail will receive the designation it deserves.

This package also includes my Wildland Firefighter Safety legislation.

Wildland firefighting and the safety of wildland firefighters is vitally important to our brave men and women who battle these blazes, and for the communities that depend on them. This legislation will improve accountability and transparency in wildland firefighter safety training programs.

Through training and certification we can lower the risk to the brave men and women who protect our forests and communities. It's critical that Congress is actively engaged to make sure this happens.

I would also like to mention the three provisions in this package aimed at conserving and protecting our nation's oceans and the communities that depend on them.

This is particularly important in these days of economic turmoil, as millions of Americans depend directly and indirectly on healthy oceans and coasts.

Also, as our climate changes, we must work to address some of the issues that have the potential to affect millions of jobs.

That is why I was thankful that Majority Leader REID included several provisions in this package that address our oceans.

I am particularly thrilled about the Federal Ocean Acidification Research and Monitoring Act.

The world's oceans are absorbing roughly 22 million tons of carbon dioxide every day, causing seawater chemistry to become more acidic possibly withholding the basic chemical building blocks needed by many marine organisms.

This act creates a comprehensive national ocean acidification research and monitoring program that will take a hard look at the devastating impacts greenhouse gas emissions are having on our oceans.

All of this could not have been accomplished without the strong support and hard work and dedication of the majority leader and I thank the leader for successfully moving these priorities.

Today is a proud day for Congress, for Washington State, for our world's ocean and marine environments, and for some of the most breathtaking views and important legacies this Nation has to offer.

Because the steps we have taken in this package will protect our lands, our coastal areas, and our first responders.

#### UNNECESSARY KILLING OF BABY SEALS

Mr. LEVIN. Mr. President, yesterday Senator COLLINS and I submitted Senate Resolution 84, urging the Government of Canada to end the senseless and inhumane slaughter of seals off the east coast of Canada.

To reiterate, on March 18, 2009, just weeks before its hunting season was scheduled to begin, Russia announced that it would ban the hunting and killing of baby seals. Youri Trutnev, Russia's Minister of Natural Resources, who was quoted in the New York Times last week, graphically depicted the shameful practice, saying: "The bloody sight of the hunting of seals, the slaughter of these defenseless animals, which you cannot even call a real hunt, is banned in our country, just as well as in most developed countries."

In addition, the Internal Markets and Consumer Protection Committee, IMCO, of the European Parliament approved a prohibition on trade in seal products in the European Union. This measure may now be considered by the full European Parliament in the coming months.

Yet, in Canada, the largest commercial slaughter of marine mammals in the world continues. According to the Humane Society of the United States, HSUS, over one million seals have been killed over the past 4 years. In Canada, seal pups as young as 12 days old can legally be killed. The vast majority of seals killed in these hunts are between 12 days and 12 weeks of age.

Canada has officially opened another seal hunting season, paving the way for hundreds of thousands of baby seals to be killed for their fur in the coming weeks, when the harp seal hunt begins in earnest. I am pleased to have been joined by Senator COLLINS in submitting this resolution that urges the Government of Canada to end this senseless and inhumane slaughter.

The U.S. Government has opposed this senseless slaughter, as noted in the January 19, 2005, letter from the U.S. Department of State, in response to a letter Senator COLLINS and I wrote to President Bush, urging him to raise this issue during his November 30, 2004, visit with Canadian Prime Minister Paul Martin. The letter reads, in part, as follows: "The United States has made known to the Government of Canada its objections and the objections of concerned American legislators and citizens to the Canadian commercial seal hunt on numerous occasions over recent years. The United States has also opposed Canada's efforts within the Arctic Council to promote trade in sealskins and other marine mammal products."

Mr. President, I ask unanimous consent the New York Times article of March 19, 2009, entitled "Russia to Ban Hunting Baby Seals" be printed in the RECORD, as follows:

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

#### RUSSIA TO BAN HUNTING OF BABY SEALS

(By A.G. Sulzberger, Mar. 19, 2009)

Russia announced on Wednesday that it would ban the hunting of baby seals, effectively shutting one of the world's largest hunting grounds in the controversial trade in seal fur.

The decision is yet another blow to an age-old industry that has been losing a public relations battle in recent years to animal-rights groups, who have gained public support by using stark photographs of harp seal pups less than a month old being clubbed to death on blood-stained ice flows.

In addition, the European Union is considering a ban of all seal products—similar to one that the United States adopted decades ago—which would eliminate a key trade route and end market for the furs. And even in Canada, where the world's largest seal hunt is scheduled to begin later this month and top leaders vigorously defend the industry, a legislator for the first time introduced a proposal to curtail sealing.

"It's highly significant," Rebecca Aldworth, director of Humane Society International in Canada, said of the political developments. "It shows that world opinion is moving away from commercial seal hunting. There's hope on the horizon that this may be the last year that we ever have to witness this cruelty."

In Russia, where the number of new pups has dropped sharply in recent years because of the hunts as well as shrinking ice in the White Sea, the government initially announced a ban on the killing of the very youngest and most highly prized seals, known as "whitecoats." The seals shed the white fur in about two weeks, with the resulting silver coat also coveted.

But the government announced in unsparring language that it intended to extend the ban to include all seals less than a year old. (While adult seals are also hunted in smaller quantities, their coarse, scarred fur is generally not used in clothing.) The move, publicly backed by Prime Minister Vladimir V. Putin and coming just weeks before the hunting season was to begin, could save as many as 35,000 seals, according to a spokesman for the International Fund for Animal Welfare.

The Associated Press quoted the natural resources minister, Yuri Trutnev, as saying in a statement: "The bloody sight of the hunting of seals, the slaughter of these defenseless animals, which you cannot even call a real hunt, is banned in our country, just as well as in most developed countries, and this is a serious step to protect the biodiversity of the Russian Federation."

Masha Vorontsova, the head of the International Fund for Animal Welfare in Russia and a biologist who has been pushing for a ban since the fall of the Soviet Union, credited an outpouring of public support for ending the hunt. "It's a fantastic achievement," she said.

In contrast, Gail Shea, Canada's Minister of Fisheries and Oceans, did little to disguise her frustration at moves taking aim at the industry both abroad and at home, which she attributed to "mistruths and propaganda" spread by special interest groups. "For some reason the European Union will not recognize what the actual facts are because it's an emotional issue and a political issue," she said in an interview.

Ms. Shea, who earlier flew to Europe to lobby against a European Union ban, warned that such a move could violate international trade law. An industry spokesman said that nearly all Canadian seal products passed through Europe on their way to major consumers like Norway, Russia and China. It is unclear whether Russia will also ban the import and sale of seal products.

Commercial sealing also takes place in a handful of other countries, including Norway, Greenland and Namibia. In Canada, last year's catch of 207,000 seals—or roughly one in every five pups born that year—earned the roughly 6,000 licensed sealers a total of \$7 million, down from \$33 million in 2006, according to Phil Jenkins, a spokesman for the Canadian fisheries department. The hunting decreased, he said, largely because of a sharp drop in prices for the pelts, from \$97 to \$33, for a perfect specimen. Seals are killed by rifle or by club.

The harp seal population level has held steady at about 5.6 million for the last decade, he said, but anti-sealing groups contest that figure.

However, the Canadian industry came under rare official scrutiny last week, when Mac Harb, a senator from Ontario, introduced the legislation to cancel the coming hunt. He argued that the industry was dying, propped up by public tax dollars and costing Canada international good will. But his pro-

posal died when Mr. Harb could not get another member to second his motion.

"There was silence. Total silence!" he said in a telephone interview on Wednesday. "I was amazed that not one of my colleagues, from any one of the political parties, would even want to debate the issue."

#### IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I am a Meridian resident, who works in Boise, an 8-mile commute for me. I own a 2003 Dodge Dakota, and it was my commuter vehicle until a couple months back. It has a fuel capacity of 23 gallons. Before I stopped driving my truck, it was costing me about \$160 per month in gas . . . just for me to get to and from work—8 miles away. That is before gas went over \$4/gallon. The reason I do not have to drive my truck anymore, is because my wife got a new job in Boise, a mile from my workplace, and we are now able to carpool together in her car, a 2003 Mazda 6. Previously, she worked in Meridian, just a couple miles from our home. My wife hates driving the truck, which is why I drove it, instead of her.

Since my wife got her new job nearly two months ago, my truck has just sat in the garage. I filled it up 6-8 weeks ago—and it still has the same full tank of gas. It hasn't moved an inch. How can I afford to move it, when it only gets 12-16 mpg, and gas is now hovering between \$4.10-\$4.15 a gallon? If I was still driving my truck to work, it would now be costing about \$200 a month just to commute back and forth to work. Ridiculous. So my truck sits and waits for something to cause fuel prices to go down.

Now for the possible solution I read about the other day. SwiftFuel: I saw a blurb on it on the website, <http://slashdot.org>, which had a link to a full article by Robert X. Cringly on PBS' website. Basically, SwiftFuel is made from ethanol, but contains no ethanol. It is currently being tested by the FAA as a replacement fuel for the current lead based aviation fuels, which must cease to exist in 2010. It has a higher octane rating (about 104); has more energy per gallon, which results in a 15-20 percent increase in fuel efficiency; can be run on existing engines without modification; can be stored in the same

tanks and shipped in the same pipelines as gasoline; and since it is a biomass, has a net 0 carbon footprint on the environment. Oh, the ethanol used to make it—it is not produced from corn. It is produced from sorghum which produces six times more ethanol than corn, per acre. No higher food costs from the production of its ethanol. Currently, SwiftFuel costs about \$1.80 to produce, and we can make it right here, in the good ol' U. S. of A.

Obviously, this is just one article, and one side. But if most of what this article claims is true, this could be a very viable, quick remedy to breaking our addiction to oil. Everyone could benefit from it immediately, without having to buy new cars, or paying for expensive modifications. I think it deserves a very serious look from the Government, and I hope you will encourage other lawmakers to look into it.

If it makes it to our local pumps, my Dakota can come out of the garage and play.

JARED.

Thank you for all you are doing to keep energy prices, costs, and options open.

Our family is spread all over the country because we gave them wings to fly. Giving them independence sometimes means higher costs for visits. When my husband and I married in 1967, the Viet Nam War was the countries overseas involvement. Since then so many, many more overseas events have affected our society.

Being part of a world economy is a challenge. I think our country will be challenged beyond our wildest dreams and people from all over the world will be meeting our expectations of being like us. That is not all good. One of the things is energy and high cost of traveling. Staying close to home will be the only option for most people in our world and probably not a bad thing.

I would hope that other energy options will finally come out and be fully embraced by the government with incentives and with financial responsibilities that all Americans can understand and live with.

We will need another post World War II plan of some sort to put people to work, give them self esteem to continue to work things out.

With our medical crisis, overseas wars, and societal morality issues we face a time of great challenge!

I hope that you and others in Washington will take the time off and spend time at home and have smaller salaries so we as Americans can have examples of sacrifice and fiscal responsibly.

Thank you for your service to our state and our country. I look forward to the next four years and hopefully we will have a more responsible White House and legislative sessions!

NANCY.

As you have heard from many sources, the high energy costs are providing difficult choices: food or gas, rent or gas, mortgage or gas, utilities or gas, medicine or gas, etc. I just read the results of a survey that indicated that 76% of respondents say that the country is headed the wrong way. This is not only a White House issue. This is a White House and Congress issue. All I see reported is finger pointing; one party blaming the other or the White House. It is time to put aside partisan bickering and seek for bipartisan solutions. OPEC is creating a false supply shortage due to lack of daily production. Oil companies must share the blame.

Refineries are creating a false supply shortage by not producing to their capacity. They post record profits but do nothing to increase refinery capacity or build new refineries. Oil production in the United States can and must increase.

Conservation by the American people is a must. A change in my driving habits has resulted in a 3 miles per gallon increase. I drive twenty miles a day to and from work. One road posts 65 mph. I drive 55 mph. I coast up to stop signs where safely possible. Where safely possible, I drive 55 miles per hour instead of 65, or 65 instead of 75. One can only imagine what would happen if every driver in America would increase their miles per gallon by changing driving habits.

Demand would definitely decrease which should have a positive effect on supply. But, unfortunately, the American people will not conserve on their own. The congress must force conservation. During the early 1970s, America faced an oil crisis. One of the measures the government instituted was lowering the speed limit to 55 miles per hour. Not only did this action reduce demand, it saved lives. This seems to be an inexpensive option. The only cost to the government, as I see it, is in putting up new speed limit signs.

The interesting thing to me is that the American public have driven one billion miles less this year compared to last year, yet the price of gas continues to rise. It makes one wonder what kind of coalition has been created to keep supply down and prices up in spite of the minimal conservation efforts of the American people. Does anything the American people say really carry any weight with our government?

I know that this is a complex problem. Some stop-gap measures need to be put in place while long-term solutions are reached. Now would be a good time for Congress to step up to the plate and hit a grand slam to win the game for the American people.

R.

Thank you for the opportunity to share my concern about the rising energy costs in our country. I have a 2001 Toyota Camry and when I first bought the car it cost between \$12 and \$15 to fill the tank. Last Friday I filled it and it was \$56.03! From \$15 to \$56, and the news says the price of gas is still rising!

In the past, whenever something was totally out of control in our country, we could count on our leaders to do something about it. Gas prices have gone up before (but never to this extent) and then came back down? I always felt safe and secure in the United States but now things seem to be totally out of control. Where are our leaders/Senate? What are they doing to help us? With the extremely high gas prices everything else is going up, too. So much so that we all are being forced to cut back everywhere else—even in critical areas such as food and/or medicine. Living in Idaho does not give me an option on not driving my car to work and I have to work in order to survive. I do not want to quit work and be supported by welfare, or any other assistance, simply because I cannot get to work. I am disabled and cannot ride a bicycle to work (which will not work in Idaho during the winter, either).

After a horrific divorce, I struggled many, many years as a single woman to get my feet on the ground and be self-sufficient. It terrifies me to think that security can easily be taken away from me.

Where in the world did the United States ever get the notion we could be dependent on foreign countries for energy? That is absolutely ridiculous! We are supposed to be the leader of the free world, not depending on other countries to survive. We have resources on our own soil so why are we not using them? What is happening with the reserve oil? As the Senate, I implore you to please do something to stop the rising gas prices and get them lowered again!

CONNIE, *Post Falls*.

I am a non-traditional student at BSU. I depend on grants and loans to attend college

and only work part-time as a tutor on campus. I live relatively close to campus so I can walk or take the bus if need be, but so far I have not had to. The real story I wanted to share is why I am not bothered with the rising prices of gas as much as everyone else seems to be.

I was in the US Army from 1968 to 1972 and served in Germany from the fall of 1968 to the spring of 1970. Gas prices in Germany, at that time, after converting from the old Mark to US dollars, were about \$3.65 a gallon. We have been very fortunate to have cheap prices for as long as we have. Now it is our turn to pay up.

I would say to Congress: Shame on you for not allowing the drilling of more oil reserves in those areas of our country that have it, for you are keeping us dependent upon OPEC and keep us at the mercy of their pocket book needs. I also would ask Congress to seriously consider tholium research to replace uranium in our reactors, for it is considerably more economical, safer for the environment and would go a long way to promote anti-proliferation by terrorists.

KERMIT.

My husband works in construction. The good news is: He has had job after job out at the nuclear site west of Idaho Falls. The bad news is: Construction workers do not get to ride the buses. They have to drive out themselves, unless they are lucky enough to work for a company that carools their men in a company truck. That is not happening right now. Gary drives out to work every day. Even with a fuel stipend to offset his gas purchases each week, we are going in deeper and deeper because of the rising fuel prices. I am sure construction companies can only afford to offset just so much for their employees. It will cap out and we will be left making up the difference. After all, we have to keep Gary working. For my job, I travel the upper Snake River Valley, making visits in the homes of adult clients with developmental disabilities. I am required by the state Medicaid to make these monthly visits. I drive a fairly fuel efficient vehicle, but again, our miscellaneous expense budget has been hacked by increases expense at the fuel pump.

I am so hoping the government will explore and implement domestic oil production. Get these foreign countries off our backs! They are grinding the faces of the American citizen into the pavement. Of course, I am in favor of expanded nuclear energy research. We here in southeast Idaho have grown up with the nuclear site in our backyard. Incentives for conservation may help, but do not let too much red tape bind the effectiveness of the incentive or companies will not feel it is worth it. I repeat, the environmentalists have had their day and now we are suffering for it. They need to quiet down and let business address the issues of the American family trying to survive in the United States.

Thank you for your interest in our story.

GARY and JANA.

The increase in prices caused by an increase in demand is not a valid cause for increasing the pressure put on the environment by our society's increasing demand for high quality energy. The price increase is a result of capitalism—imagine that, the U.S. has promoted a change in world economy to be more like ours and it has worked. More demand translates to higher prices. The stock brokers are now speculating on energy futures.

So the solution is efficiency. Start carpooling. The demand could be reduced if people rode together to work and school in their current vehicles. As new vehicles are purchased, energy efficient machines could be

purchased instead of the CAFE loop-hole SUVs that the current federal government still subsidizes. Also the speed limit could be reduced. Yes, all the machines on the freeways are more efficient at lower speeds. It is just physics. Then reduce the need for energy by reducing the demand for AC and Heating because of the unrealistic size of homes. Start programs to subsidize development of solar electric to AC systems in the sunbelt of the U.S. Such a program would significantly reduce the electric grid demand.

The answer to the impact of energy prices could be altered immediately through conservation, not 5 years from now by increases in exploration.

DALE, *Coeur d'Alene*.

We are writing to express our complete asperation with the U.S. Congress' inaction on vital energy questions or maybe it is a not so subtle attempt to ruin our way of life. We and our neighbors live about 70 miles from adequate shopping and medical services. We spend about \$30 for gasoline for each round trip. Ours is a poor, rural community where many people have to commute long distances to work and whose budgets are being wrecked by the current cost of gasoline and diesel fuel. Being a community of mostly self-sufficient, hardworking people who do not have time to publicly complain or demonstrate, we seldom have the opportunity to be heard. We appreciate your invitation to let us express our frustrations.

We believe that election year politics is important but that an issue so vital as energy supplies should be something that our representatives should agree upon. Have we reached a point where the elite of our society are so powerful that the pain felt by everyday citizens is of no importance when balanced against their idealistic agendas?

I am a retired engineer with adequate retirement reserves, and \$4 a gallon gasoline will not bankrupt me. Most of my neighbors are not so fortunate and will be strapped to ever achieve adequate retirement finances if fuel costs and the increased cost of products due to fuel costs are not addressed. The ability to save is being destroyed for the average citizen by increased fuel costs.

Again, thank you for the opportunity to state my opinions. I hope that you will do all that is possible for you to do to ease this burden. We are in favor of drilling for oil both in ANWR and offshore. We are also in favor of nuclear energy. It is the fuel of the future and again we are letting a few loud-mouthed elitists dictate policy and add to the hardships of the people who make the country work.

KAREN and ROY, *Orofino*.

I suspect that you have heard quite a few stories about how rising energy costs have impacted Idahoans lives. I want to tell you how mine has been changed. I work at the INL (Idaho National Laboratory) for the CCP (Central Characterization Project) on the ICP (Idaho Cleanup Project). I tried riding the bus service that the site has provided for decades. At the end of last year, the fuel prices prompted a change in the cost of a bus pass from approx \$11 a week—more than doubling (I believe) to almost \$23 a week. I no longer ride the bus but ride with a co-worker who has been forced to drive because it is cheaper for he and his wife who both work on the ICP to drive than to ride the bus. He is gracious and insists that I do not pay my share of fuel costs or the maintenance on his car. I have filled the car's fuel tank twice, and each time I was caught off guard by my upset wife telling me that the lack of that money was going to cut down on food and other things that we have necessity for in our home. I have been very blessed by the

hands of God in which our country and state reside. My family has never gone hungry, but I truly have to hope now that we never will. If there can be a way to improve the value of the dollar, to lower the price in gas (or even maintain it at the ridiculous price that it is currently at), then myself and many other Idahoans and Americans would be greatly appreciative. I continue to support those who are making wise decisions for the people of the United States, and continue to pray to God that he will preserve me and my family from harder times.

STEPHAN.

My husband and I both are retired. We recently bought a Silverado pick-up in February, almost \$32,000. Do you think we would have bought that had we seen the gas crisis coming? Heavens no! We were going to buy a travel trailer for it to hitch and explore our nation. That thought is completely gone. We have six children, three of whom are married with children, with double incomes to make ends meet. Now, that is all we can do—make ends meet. We are all surviving and, thank God, we are a resourceful nation. We bought a 32 mpg Chevy, and one son bought a motorcycle to commute to work, but we just do not go shopping. We are all making it, but groceries and gasoline seem to be taking our checks. I am worried about the other businesses of our nation who have depended a bit on our incomes. What about them? Start drilling! We are worth more than what we are being handed by the radical environmentalists. God is the one who selects plants and animals for extinction, not us. If he chooses, they could be gone tomorrow no matter what we do. Start drilling!

VAL.

#### ADDITIONAL STATEMENTS

##### HONORING HARTLEY'S CHRYSLER DODGE JEEP GMC

• Ms. SNOWE. Mr. President, as we heard in testimony before the Senate Committee on Small Business and Entrepreneurship last week, auto dealerships are struggling to sell cars in this difficult economy. One of our witnesses remarked that in a healthy economy, auto sales make up approximately 20 percent of our country's retail spending. Clearly, a healthy automobile industry is critical to our economic success. I rise this week to recognize Hartley Chrysler Dodge Jeep GMC, an outstanding auto dealership from my home State of Maine that has remained true to its longstanding commitment to serving its customers and its community, regardless of economic conditions.

Located in the central Maine town of Newport, Hartley's Chrysler Dodge Jeep GMC is a second-generation family-owned small business. Hartley's opened its doors in 1946, when Perley Hartley began selling used vehicles from a filling station in the neighboring town of Corinna. In 1960, the dealership started selling new cars, adding Chrysler and Plymouth as its first automobile lines.

A year after graduating from Eastern Maine Community College in the early 1970s, Steven H. Hartley, now the company's president, went to work for his

father in the sales department at Hartley Motors in the town of Dexter. He eventually bought the original dealership from his uncle Perley and took over operations in 1983, when he moved the business to its current location in Newport. Since then, Steven Hartley has ensured that the dealership is profitable every year. For the company's dedicated work, Hartley's received Daimler/Chrysler's five-star elite dealership status in 2005, an honor held by only two dealerships across Maine.

Mr. Hartley donates his time to promoting the well-being of the entire auto dealer industry throughout Maine and New England. He is a former director of the New England Chrysler Ad Association, and presently serves as a director on the New England Dodge Ad Association. Mr. Hartley also contributes his time and talents as a Director at the Maine Auto Dealers, and a trustee for the Maine Auto Dealers health and insurance trust.

In addition to his business and professional accomplishments, Steven Hartley is a Master Mason and a member of the Shriners. Additionally, Mr. Hartley has served for 20 years as a volunteer firefighter for the Corinna Fire Department, even attaining the rank of department chief. Late last year, he was one of just 49 automobile dealers out of more than 19,500 nationwide that were nominated for the TIME Magazine Dealer of the Year award. Through this nomination, he garnered national recognition at the National Automobile Dealers Association Convention and Exposition in January, where he was honored by TIME and the Goodyear Tire and Rubber Company for his honorable community contributions and his service to the auto dealer industry.

Driving his dealership to a whole new level of success, Steven Hartley has led Hartley's Chrysler Dodge Jeep GMC to the top of the industry and the forefront of the community. Entrepreneurs like Mr. Hartley are striving to ensure that our Nation's auto dealerships are here to stay, and we owe them a debt of gratitude. Congratulations to Steven H. Hartley on his most recent accolades, and I wish everyone at Hartley's Chrysler Dodge Jeep GMC a prosperous year.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER  
COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1089. A communication from the Acting Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "General Policies, Types of Loans, Loan Requirements—Telecommunications" (RIN0572-AC13) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1090. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Castor Oil, Ethoxylated, Oleate; Tolerance Exemption" (FRL-8399-8) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1091. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dinotefuran; Pesticide Tolerances for Emergency Exemptions" (FRL-8401-5) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1092. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenprothrin; Pesticide Tolerances" (FRL-8400-8) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1093. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propiconazole; Pesticide Tolerances" (FRL-8403-7) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1094. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thymol; Exemption From the Requirement of a Tolerance" (FRL-8404-4) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1095. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Triethanolamine; Exemption From the Requirement of a Tolerance" (FRL-8404-1) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1096. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tristyrylphenol Ethoxylates (CAS Reg. No. 70559-25-0) and (CAS Reg. No. 99734-09-5); Exemption From the Requirement of a Tolerance" (FRL-8404-7) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1097. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuber-

culosis in Cattle and Bison; State and Zone Designations; New Mexico" (Docket No. APHIS-2008-0124) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1098. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to demonstration project notices, amendments, and changes requested by the Science and Technology Reinvention Laboratories during calendar year 2008; to the Committee on Armed Services.

EC-1099. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the United Arab Emirates; to the Committee on Banking, Housing, and Urban Affairs.

EC-1100. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Accuracy of Advertising and Notice of Insured Status" (RIN1313-AD52) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1101. A communication from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination in the position of Deputy Secretary; to the Committee on Banking, Housing, and Urban Affairs.

EC-1102. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Amendment 15" (RIN0648-AW08) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1103. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; Emergency Rule" (RIN0648-AX61) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1104. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2009-2010 Biennial Specifications and Management Measures" (RIN0648-AX24) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1105. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Reduction of the Landing Limit for Eastern Georges Bank Cod in the U.S./Canada Management Area" (RIN0648-XN46) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1106. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, De-

partment of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer" (RIN0648-XN33) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1107. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XN69) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1108. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (RIN0648-XN53) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1109. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure" (RIN0648-XN55) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1110. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the DTV Delay Act" (MB Docket No. 09-17) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1111. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Reexamination of the Comparative Standards for Noncommercial Educational Applicants" (MM Docket No. 95-31) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1112. A communication from the Senior Legal Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Improving Public Safety Communications in the 800 MHz Band; New 800 MHz Band Plan for U.S.-Canada Border Regions" (WT Docket No. 02-55) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1113. A communication from the Acting Director of the Office of Policy, Import Administration, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Steel Import Monitoring and Analysis" (RIN0625-AA82) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1114. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rules and Regulations Under the Textile Fiber Products Identification



Act" (16 CFR Part 303) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1115. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of a Dose Standard After 10,000 Years" (RIN3150-AH68) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Energy and Natural Resources.

EC-1116. A communication from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program" ((SATS No. PA-152-FOR)(Docket No. OSM-2008-0019)) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Energy and Natural Resources.

EC-1117. A communication from the Attorney of the Office of Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Standards for Certain Consumer Products and Commercial and Industrial Equipment" (RIN1904-AB74) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Energy and Natural Resources.

EC-1118. A communication from the Attorney of the Office of Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Procedural Rules for DOE Nuclear Activities" (RIN1990-AA30) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Energy and Natural Resources.

EC-1119. A communication from the Acting Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's annual report for fiscal year 2008; to the Committee on Energy and Natural Resources.

EC-1120. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Chemical Reporting; Tier II Inventory Information" (FRL-8785-3) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Environment and Public Works.

EC-1121. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans: Kentucky; Approval Section 110(a)(1) Maintenance Plans for the 1997 8-hour ozone standard for the Huntington-Ashland Area, Lexington Area and Edmonson County" (FRL-8781-5) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Environment and Public Works.

EC-1122. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Reasonably Available Control Technology Requirements for Volatile Organic Compounds" (FRL-8780-2) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Environment and Public Works.

EC-1123. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Volatile Organic Compound Reasonably Available Control Technology for Reynolds Consumer Products Company" (FRL-8779-8) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Environment and Public Works.

EC-1124. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Amendments to the Control of Air Pollution from Combustion of Refuse" (FRL-8782-2) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Environment and Public Works.

EC-1125. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Revisions to the Alabama State Implementation Plan; Birmingham and Jackson Counties" (FRL-8781-7) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Environment and Public Works.

EC-1126. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Control of Emissions From Existing Other Solid Waste Incinerator Units; Arizona; Pima County Department of Environmental Quality" (FRL-8781-2) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Environment and Public Works.

EC-1127. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of California; Amador County Air Pollution Control District, San Diego County Air Pollution Control District" (FRL-8783-7) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Environment and Public Works.

EC-1128. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "New Mexico: Final Authorization of State Hazardous Waste Management" (FRL-8784-9) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Environment and Public Works.

EC-1129. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "State Parent Locator Service; Safeguarding Child Support Information" (RIN0970-AC01) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Finance.

EC-1130. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Asset Valuation under Section 430(g)(3)(B) as amended by WRERA" (Notice 2009-22) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Finance.

EC-1131. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the

Treasury, transmitting, pursuant to law, the report of a rule entitled "Taxation of fringe benefits" (Rev. Rul. 2009-6) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Finance.

EC-1132. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to providing information on U.S. military personnel and U.S. civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC-1133. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Department's Other Transaction Authority; to the Committee on Homeland Security and Governmental Affairs.

EC-1134. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Implementation of Omnibus Homeland Security Act: D.C. Government Needs to Sharpen Its Focus on Homeland Defense"; to the Committee on Homeland Security and Governmental Affairs.

EC-1135. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Certified Capital Companies Program"; to the Committee on Homeland Security and Governmental Affairs.

EC-1136. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, General Services Administration, Department of Defense, and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-31" (Docket FAR 2009-0001, Sequence 2) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Homeland Security and Governmental Affairs.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-13. A resolution adopted by the Senate of the Republic of the Philippines, forwarded by the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, expressing the sense of the Senate to thank the United States Congress for the approval of the Conference Report on the American Recovery and Reinvestment Act of 2009, which provides the amount of one hundred ninety-eight million dollars for the benefit of eligible Filipino veterans; to the Committee on Appropriations.

### RESOLUTION NO. 161

Whereas, then President of the United States Franklin D. Roosevelt issued a military order on 26 July 1941, calling into service the organized military forces of the country under the command of General Douglas MacArthur to fight with the American soldiers in World War II;

Whereas, President Roosevelt's military order stated that, "As Commander-in-Chief of the Army and Navy of the United States, I hereby call and order into service of the Armed Forces of the United States for the period of the existing emergency, and place under the command of a General Officer, United States Army, to be designated by the Secretary of War from time to time, all of the organized military forces of the Government of the Commonwealth of the Philippines";

Whereas, on February 20, 1946, then President Harry Truman affirmed the status of these Filipino veterans as "nationals of the United States" who "fought, as American nationals, under the American flag, and under the direction of our military leaders";

Whereas, President Truman likewise recognized that they "fought with gallantry and courage under most difficult conditions";

Whereas, regrettably, on 18 February and 17 May 1946, the First and Second Supplemental Surplus Appropriation Rescission Acts, collectively known as the Rescission Acts of 1946, were enacted, preventing our veterans from receiving benefits which were previously granted to them;

Whereas, our veterans have been fighting for more than six decades for the restoration of their honor and the recognition of their dignity as soldiers who fought with the Americans during World War II;

Whereas, previous administrations, starting from former President Elpidio Quirino, including Philippine Ambassadors to the United States, have continuously exerted collective efforts for the realization of this goal;

Whereas, on June 2007, members of the United States Congress expressed their support for the passage of a legislative measure reversing, the ill effects the Rescission Acts of 1946 and granting pension benefits to our veterans then pending in the US Congress;

Whereas, these legislators, however, intimidated their concern that upon the passage of this US bill, the benefits currently granted to our veterans would be revoked, as provided under RA 6948, amended by RA 7696;

Whereas, to address this concern and to grant full benefits to our veterans which they rightfully deserve, Republic Act No. 9499, otherwise known as the Filipino World War II Veterans Pensions and Benefits Act of 2008, was signed into law on 9 April 2008;

Whereas, the law paved the way for the approval by the United States Senate and House of Representatives of the proposed American Recovery and Reinvestment Act of 2009, otherwise known as the Economic Stimulus Bill, with the valiant and unfaltering support of Senators Daniel K. Inouye, Harry Reid and Daniel Kahikina Akaka, and Representatives Robert Filner, Mike Honda and Nancy Pelosi, among other legislators;

Whereas, on 13 February 2009, both Houses of the US Congress approved the Conference Report on the Economic Stimulus Bill, with 60 affirmative votes and 38 negative votes;

Whereas, United States President Barack Obama is scheduled to sign the Economic Stimulus Bill in Denver, Colorado, on 17 February 2009, the eve of the 63rd anniversary of the enactment of the First Rescission Act;

Whereas, the end of the decades-long suffering of our veterans is now within reach, for when the Economic Stimulus Bill is enacted into law, our surviving veterans can claim up to Fifteen Thousand Dollars (USD 15,000) in lump-sum benefits, not as monetary compensation for their gallantry during World War II, but as recognition of their honor for risking life and limb for our allies and our country. Now, therefore, be it

*Resolved as it is hereby resolved by the Senate of the Philippines.* To express the sense of the Senate to commend Senator Daniel K. Inouye and the United States Congress for the approval of the Conference Report on the American Recovery and Reinvestment Act of 2009, which provides the amount of One Hundred Ninety-eight Million Dollars (USD 198,000,000) for the benefit of eligible Filipino Veterans.

POM-14. A resolution adopted by the Senate of the State of New Mexico memorializing a request that Congress be urged to

hold hearings on a new management system for the Valles Caldera National Preserve; to the Committee on Energy and Natural Resources.

#### SENATE MEMORIAL NO. 32

Whereas, the Valles Caldera National Preserve is one of New Mexico's most spectacular places and important wildlife habitats, consisting of eighty-nine thousand acres of forest, high-mountain grassland and clear streams nestled into the caldera of an ancient volcano; and

Whereas, hunting, fishing and outdoor recreation are important parts of the way of life in New Mexico; and

Whereas, accessible and protected public lands benefit local economies by offering a higher quality of life that attracts tourism and high-wage jobs; and

Whereas, the current management experiment at the Valles Caldera National Preserve is based on a system set up for the Presidio, an urban area located in San Francisco, California; and

Whereas, it has become clear that the experimental management system for the Valles Caldera National Preserve will never generate adequate funding without developing, and thereby destroying, the Valles Caldera itself; and

Whereas, the current experimental management system has failed to provide adequate access to the public for responsible use and enjoyment of the area; and

Whereas, a new management system would improve opportunity for the public to responsibly enjoy the Valles Caldera National Preserve, thereby benefiting all residents and helping the local economy; and

Whereas, a new management system would expand access to hunting, fishing and outdoor recreational opportunities for all residents regardless of financial means; and

Whereas, a new management system would improve natural resource management at the Valles Caldera National Preserve and put it on more solid financial footing, ensuring that this spectacular place can be enjoyed by present and future generations: Now, therefore, be it

*Resolved by the Senate of the State of New Mexico.* That Congress be urged to hold hearings as soon as possible on the establishment of a new management system for the Valles Caldera National Preserve, in which the United States Forest Service, the National Park Service or the United States Fish and Wildlife Service provide management to improve responsible public access, expand hunting, fishing and outdoor recreational opportunities for the public and place the Valles Caldera National Preserve on firm financial footing so that present and future generations can enjoy and experience this spectacular place and benefits to the economy can be fully realized; and be it further

*Resolved.* That copies of this memorial be transmitted to the New Mexico Congressional Delegation and the Chief Clerks of the United States House of Representatives and Senate for distribution to the appropriate committees.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself and Mr. CARDIN):

S. 689. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of church pension plans, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself, Mr. CRAPO, Mr. LEAHY, Mr. LIEBERMAN, Mr. MENENDEZ, and Mr. NELSON of Florida):

S. 690. A bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act; to the Committee on Environment and Public Works.

By Mr. BENNET (for himself and Mr. UDALL of Colorado):

S. 691. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southern Colorado region, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SCHUMER:

S. 692. A bill to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HARKIN (for himself, Mr. ISAKSON, Mr. BINGAMAN, and Mr. LIEBERMAN):

S. 693. A bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself and Mr. HATCH):

S. 694. A bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mr. KOHL, Ms. STABENOW, Mr. BROWN, and Mr. LIEBERMAN):

S. 695. A bill to authorize the Secretary of Commerce to reduce the matching requirement for participants in the Hollings Manufacturing Partnership Program; to the Committee on Commerce, Science, and Transportation.

By Mr. CARDIN (for himself and Mr. ALEXANDER):

S. 696. A bill to amend the Federal Water Pollution Control Act to include a definition of fill material; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, Mr. BROWN, Mr. CASEY, and Mr. WHITEHOUSE):

S. 697. A bill to amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. GRAHAM, and Ms. COLLINS):

S. 698. A bill to ensure the provision of high-quality health care coverage for uninsured individuals through State health care coverage pilot projects that expand coverage and access and improve quality and efficiency in the health care system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 699. A bill to provide for the construction by the Secretary of Veterans Affairs of a full service hospital in Far South Texas; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN (for himself, Mr. BROWN, and Ms. COLLINS):

S. 700. A bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. ALEXANDER, Mr. WYDEN, Mr. WHITEHOUSE, and Mr. BROWNBACK):

S. 701. A bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins (IVIG); to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mrs. LINCOLN, Ms. SNOWE, Mr. ENSIGN, Ms. COLLINS, Ms. KLOBUCHAR, and Mr. GRAHAM):

S. 702. A bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance; to the Committee on Finance.

By Mr. SANDERS:

S. 703. A bill to provide for health care for every American and to control the cost and enhance the quality of the health care system; to the Committee on Finance.

By Mr. HARKIN (for himself and Mr. BURR):

S. 704. A bill to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY (for himself, Mr. LUGAR, Mr. KAUFMAN, and Mr. MENENDEZ):

S. 705. A bill to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes; to the Committee on Foreign Relations.

By Mr. MENENDEZ:

S. 706. A bill to increase housing, awareness, and navigation demonstration services (HANDS) for individuals with autism spectrum disorders; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself and Mr. VOINOVICH):

S. 707. A bill to enhance the Federal Telework Program; to the Committee on Homeland Security and Governmental Affairs.

By Mr. AKAKA (for himself, Mr. INOUE, Ms. MURKOWSKI, and Mr. BEGICH):

S. 708. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government, and for other purposes; to the Committee on Indian Affairs.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 709. A bill to better provide for compensation for certain persons injured in the course of employment at the Santa Susana Field Laboratory in California; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself and Mr. UDALL of Colorado):

S. 710. A bill to prohibit unfair or deceptive acts or practices relating to gift certificates, store gift cards, and other general-use prepaid cards, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BAUCUS:

S. 711. A bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes; to the Committee on Armed Services.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TESTER (for himself and Mr. BAUCUS):

S. Res. 85. A resolution congratulating the Rocky Mountain College Battlin' Bears for winning the 2009 National Association of Intercollegiate Athletics Men's Basketball National Championship; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 277

At the request of Mr. KAUFMAN, his name was added as a cosponsor of S. 277, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 277, *supra*.

S. 355

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 355, a bill to enhance the capacity of the United States to undertake global development activities, and for other purposes.

S. 475

At the request of Mr. BURR, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 476

At the request of Mrs. BOXER, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 476, a bill to amend title 10, United States Code, to reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care.

S. 491

At the request of Mr. WEBB, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 493

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 493, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes.

S. 511

At the request of Mr. BROWNBACK, the name of the Senator from South Da-

kota (Mr. THUNE) was added as a cosponsor of S. 511, a bill to amend part B of title XVIII of the Social Security Act to provide for an exemption of pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals.

S. 527

At the request of Mr. THUNE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 527, a bill to amend the Clean Air Act to prohibit the issuance of permits under title V of that Act for certain emissions from agricultural production.

S. 546

At the request of Mr. REID, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 547

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 547, a bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations.

S. 614

At the request of Mrs. HUTCHISON, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 622

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 622, a bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol.

S. 631

At the request of Mr. KOHL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 631, a bill to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.

S. 654

At the request of Mr. BUNNING, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 661

At the request of Mr. BINGAMAN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 661, a bill to strengthen American manufacturing through improved industrial energy efficiency, and for other purposes.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 671

At the request of Mrs. LINCOLN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 671, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 676

At the request of Mr. SCHUMER, the names of the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 676, a bill to amend the Internal Revenue Code of 1986 to modify the tax rate for excise tax on investment income of private foundations.

## AMENDMENT NO. 688

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 688 proposed to H.R. 1388, a bill to reauthorize and reform the national service laws.

## AMENDMENT NO. 691

At the request of Mr. DORGAN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 691 proposed to H.R. 1388, a bill to reauthorize and reform the national service laws.

## AMENDMENT NO. 692

At the request of Mr. BAUCUS, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 692 proposed to H.R. 1388, a bill to reauthorize and reform the national service laws.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself, Mr. CRAPO, Mr. LEAHY, Mr. LIEBERMAN, Mr. MENENDEZ, and Mr. NELSON, of Florida):

S. 690. A bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, today I am introducing the Neotropical Migratory Bird Conservation Act with the support of my colleagues, Mr. CRAPO, Mr. LEAHY, Mr. LIEBERMAN, Mr. MENENDEZ, and Mr. NELSON. This bill supports habitat protection, education, research, monitoring, and capacity building to provide for the long-term protection of neotropical migratory birds. It does this by providing grants to countries in Latin America and the Caribbean for the conservation of these birds, through a U.S. Fish and Wildlife Service competitive matching grants program. Up to one-quarter of the annual grants can also be used for projects in the United States. Projects include activities that benefit bird populations, such as habitat restoration, research and monitoring, law enforcement, and outreach and education.

Neotropical migratory birds breed in Canada and the U.S. during our summer and spend our winters in Latin America and the Caribbean. There are nearly 500 species of these birds, and they face a range of threats, including development pressures, invasive species, climate change, and avian diseases. Protecting these birds requires international cooperation.

The NMBCA program has a proven track record of reversing habitat loss and advancing conservation strategies for the broad range of neotropical birds that populate the United States and the rest of the Western hemisphere. The public-private partnerships and international collaboration provided by this program are integral to preserving vulnerable bird populations. Just as importantly, this Federal program is a good value for taxpayers, leveraging over four dollars in partner contributions for every one that we spend.

Migratory birds are not only beautiful creatures eagerly welcomed by millions of Americans into their backyards every year; they help generate \$2.7 billion annually for the U.S. economy through wildlife watching activities, and they help our farmers by consuming billions of harmful insect pests. Bird watchers include over 48 million Americans, 20 million of whom take annual trips to watch birds. In 2006, 20 million American wildlife watchers spent \$12.8 billion on trip-related expenditures. Americans spend \$3.3 billion each year on bird food. 16 million Americans spend \$790 million each year on bird houses, nest boxes, feeders, and baths.

The Baltimore Oriole, the state bird of my state of Maryland, migrates in flocks to southern Mexico, Central America, and northern South America. The Oriole has recently been threatened by destruction of breeding habitat and tropical winter habitat, and by toxic pesticides ingested by the insects

which constitute the Oriole's main diet. This legislation will help ensure that the broad range of migratory birds, from the Cerulean Warbler to the Baltimore Oriole, will have the healthy habitat they need on both ends of their annual migration routes so they can continue to play their vital biological, recreational, and economic roles.

Congress passed the Neotropical Migratory Bird Conservation Act of 2000 and it became public law 106-527. It authorized an annual \$5 million for each of the fiscal years 2001 through 2005. Since 2002, the U.S. has invested more than \$25 million in 262 projects in 44 U.S. states, Canada, and 33 Latin American and Caribbean countries, and leveraged an additional \$112 million in partner funds to support these projects. The reauthorization legislation would authorize \$8 million for fiscal year 2010, gradually escalating to \$20 million for fiscal year 2015, in order to meet expanding funding needs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 690

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REAUTHORIZATION OF NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.**

Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) is amended to read as follows:

**“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act, to remain available until expended—

- “(1) \$8,000,000 for fiscal year 2010;
- “(2) \$11,000,000 for fiscal year 2011;
- “(3) \$13,000,000 for fiscal year 2012;
- “(4) \$16,000,000 for fiscal year 2013;
- “(5) \$18,000,000 for fiscal year 2014; and
- “(6) \$20,000,000 for fiscal year 2015.

“(b) USE OF FUNDS.—Of the amounts made available under subsection (a) for each fiscal year, not less than 75 percent shall be expended for projects carried out at a location outside of the United States.”.

By Mr. BENNET (for himself and Mr. UDALL of Colorado):

S. 691. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southern Colorado region, and for other purposes; to the Committee on Veterans' Affairs.

Mr. UDALL of Colorado. Mr. President, I am proud to join today with my colleague and fellow Coloradan Senator MICHAEL BENNET in introducing legislation to create a national veterans' cemetery in El Paso County, CO, and provide a respectful final resting place that our Colorado veterans so deserve.

In a few months, we will honor those who made the ultimate sacrifice in defending our Nation, as we celebrate Memorial Day weekend. On that weekend, friends and family members of our departed veterans will go to Veterans Affairs, VA, cemeteries throughout the

country to honor the memory of their loved ones. Unfortunately, too many family members will have to travel far too many miles to pay their respects. Even worse, the long distance that some veterans' survivors must travel will prevent them from making the trip at all.

This is true of the loved ones of veterans in southern Colorado, whose population features one of the highest concentrations of veterans in the Nation. The vast majority of veterans in southern Colorado are located far outside of a 75-mile radius of the nearest VA cemeteries, Fort Logan National Cemetery in Denver and Fort Lyon National Cemetery in Bent County.

For nearly a decade, it has been a goal of the Pikes Peak Veterans Cemetery Committee, as well as the Department of Colorado Veterans of Foreign Wars, the Colorado chapters of the American Legion, the Paralyzed Veterans of America, and the Association for Service Disabled Veterans, to bring a national cemetery to El Paso County. In the last Congress, Representative JOHN SALAZAR introduced legislation that would address this issue, and I supported that legislation along with other members of the Colorado delegation.

That bill, H.R. 1660, passed the House of Representatives unanimously by voice vote, highlighting the support southern Colorado veterans have received from the entire Nation for the establishment of a VA cemetery in El Paso County. Unfortunately, the Senate did not act on this bill in the last Congress.

I hope—and I know that veterans throughout Colorado hope—that this year will be different. Representative SALAZAR has again introduced a House bill, and today we introduce the Senate companion. Senator BENNET and I will work hard to raise awareness of the need for a new national cemetery for southern Colorado and get this bill passed in the Senate. We need to ensure that all of our veterans receive the recognition they deserve with a final resting place close to their own communities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 691

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ESTABLISHMENT OF NATIONAL CEMETERY IN SOUTHERN COLORADO REGION.**

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in El Paso County, Colorado, to serve the needs of veterans and their families in the southern Colorado region.

(b) CONSULTATION IN SELECTION OF SITE.—Before selecting the site for the national cemetery established under subsection (a), the Secretary shall consult with—

(1) appropriate officials of the State of Colorado and local officials in the southern Colorado region; and

(2) appropriate officials of the United States, including the Administrator of General Services, with respect to land belonging to the United States in El Paso County, Colorado, that would be suitable to establish the national cemetery under subsection (a).

(c) AUTHORITY TO ACCEPT DONATION OF PARCEL OF LAND.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may accept on behalf of the United States the gift of an appropriate parcel of real property. The Secretary shall have administrative jurisdiction over such parcel of real property, and shall use such parcel to establish the national cemetery under subsection (a).

(2) INCOME TAX TREATMENT OF GIFT.—For purposes of Federal income, estate, and gift taxes, the real property accepted under paragraph (1) shall be considered as a gift to the United States.

(d) REPORT.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemetery under subsection (a). The report shall set forth a schedule for such establishment and an estimate of the costs associated with such establishment.

(e) SOUTHERN COLORADO REGION DEFINED.—In this Act, the term “southern Colorado region” means the geographic region consisting of the following Colorado counties:

- (1) El Paso.
- (2) Pueblo.
- (3) Teller.
- (4) Fremont.
- (5) Las Animas.
- (6) Huerfano.
- (7) Custer.
- (8) Costilla.
- (9) Alamosa.
- (10) Saguache.
- (11) Conejos.
- (12) Mineral.
- (13) Archuleta.
- (14) Hinsdale.
- (15) Gunnison.
- (16) Pitkin.
- (17) La Plata.
- (18) Montezuma.
- (19) San Juan.
- (20) Ouray.
- (21) San Miguel.
- (22) Dolores.
- (23) Montrose.
- (24) Delta.
- (25) Mesa.
- (26) Crowley.
- (27) Kiowa.
- (28) Bent.
- (29) Baca.

By Mr. HARKIN (for himself, Mr. ISAKSON, Mr. BINGAMAN, and Mr. LIEBERMAN):

S. 693. A bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am here today to lay the foundation for what I hope will be a broad effort to reform our health care system. In these troubled economic times, it has never been more clear that our current system is broken. I have said many times that we do not have a “health” care system, we have a “sick” care system. If you are sick, you get care. We spend

untold hundreds of billions on pills, surgery, hospitalization, and disability. But we spend peanuts about 3 percent of our health-care dollars for prevention. There are huge, untapped opportunities in the area of wellness and prevention.

Last fall, I was honored to be asked by Senator KENNEDY to lead the Health, Education, Labor and Pension Committee's working group on Prevention and Public Health in our health reform efforts. I am a long-time believer that prevention and wellness are the keys to solving our health care crisis. Our working group has already started looking at prevention and public health-based solutions. We have held three hearings so far. First, we laid down the case for why prevention and public health strategies are so important to improving health care. We heard from a variety of experts, including health economists and successful health promotion programs in the corporate world and in small communities. It was clear that prevention works and that we can not afford not to do it. Next, we heard from a number of States about the innovative things they are doing to improve public health and encourage wellness. We heard about universal coverage in Massachusetts, improving quality and reducing cost in North Carolina's Medicaid program, and emphasizing prevention and chronic care management in Iowa. Some truly groundbreaking efforts are already underway in many states. Finally, we held a hearing about access to public health and wellness services for vulnerable populations. We heard about some creative solutions addressing public health disparities for children, seniors, individuals with disabilities, and folks in rural areas. In all of our hearings, we have learned a great deal about what we are doing right to make prevention happen. But we have also learned about how far we still have to go in making sure that everyone has the opportunity to become healthier.

What is abundantly clear to me is that we can and must do more. We have good science behind us, and we know that there are many proven techniques to make our population healthier. This is particularly true in preventive medicine, where health care providers have expertise both in medicine and in public health. These are the people we need to help tackle our growing obesity epidemic, the alarming trends in cardiovascular disease and drug-resistant bacterial infections. They can both treat patients and address public health concerns. They understand both the physiology of disease and the population effects of disease. They know how to provide the best care for the patient and the broader population.

When tens of millions of Americans suffer from preventable diseases such as type 2 diabetes, heart disease, and some types of cancer we need experts in preventive medicine. And even

though the need is growing, our work force in preventive medicine is shrinking. We are not training enough preventive medicine specialists, and our capacity to do so is being limited. Though there were 90 preventive medicine residency programs in 1999, today there are only 71. Today, I am introducing legislation, along with Senators ISAKSON, BINGAMAN and LIEBERMAN, to make sure that we train enough professionals in preventive medicine. The Preventive Medicine and Public Health Training Act will provide training grants to medical schools, teaching hospitals, schools of public health, and public health departments to fund existing programs and in some cases develop new residency training programs in Preventive Medicine. This bill is designed with one simple goal in mind: to improve and increase our prevention workforce. We have seen how an ounce of prevention really is worth a pound of cure, but we know that we need someone to provide that ounce of prevention. And our bill will help train future generations of experts in Preventive Medicine.

This legislation is a small but vitally important part of our efforts at health reform. In the coming months, I will be working with HELP Committee Chairman KENNEDY and other interested members to ensure that, as we craft legislation to provide health insurance to all, we do so in a way that guarantees that all Americans have access to and take advantage of exemplary preventive care. We must guarantee that our health care system will not just fix us when we are sick, but keep us well throughout our lifetimes. We must lay down a marker today to say that reforming our health care system means rejecting our current delivery of "sick care" and instead strengthening our ability to provide "well care" through preventive medicine. Today's legislation is just one part of that effort, and I look forward to working with other interested Senators to build on this legislation as health care reform moves forward.

By Mr. DODD (for himself and Mr. HATCH):

S. 694. A bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce with Senator ORRIN HATCH the Best Buddies Empowerment for People with Intellectual Disabilities Act of 2009. The bill we are introducing would help to better integrate individuals with intellectual disabilities into their communities, improve their quality of life and promote the extraordinary gifts of these individuals.

I am proud to introduce this bill with my good friend Senator HATCH. He has been a long time leader in the cause of Americans with disabilities. We, as a

society, have an obligation to do all we can to better include individuals with disabilities within our communities and help them to reach their full potential.

Yet, as one study on teen attitudes notes: "Legal mandates cannot, however, mandate acceptance by peers, neighbors, fellow employees, employers or any of the other groups of individuals who directly impact the lives of people with disabilities." People with intellectual disabilities have indeed gained many rights that have improved their lives; however, negative stereotypes abound. Social isolation, unfortunately, is the norm for too many people with intellectual disabilities.

Early intervention, effective education, and appropriate support all go a long way toward helping individuals with intellectual disabilities achieve the best of his or her abilities and lead a meaningful life in the community. I would like to tell you about the accomplishments of Best Buddies, a remarkable non-profit organization that is dedicated to helping people with intellectual disabilities develop relationships that will provide the support needed to help them reach their potential.

Founded in 1989, Best Buddies is the only national social and recreational program in the United States for people with intellectual disabilities. Best Buddies works to enhance the lives of people with intellectual disabilities by providing opportunities for friendship and integrated employment. Through more than one thousand volunteer-run chapters at middle schools, high schools and colleges, students with and without intellectual disabilities are paired up in a one-to-one mentoring friendship. Best Buddies also facilitates an Internet pen pal program, an adult friendship program, and a supported employment program.

Approximately 7,000,000 people in the U.S. have an intellectual disability; every one of these individuals would benefit from the kind of relationships that the Best Buddies programs help to establish. The resulting friendships are mutually beneficial, increasing the self-esteem, confidence, and abilities of people both with and without intellectual disabilities.

The legislation we introduce today would allow the Secretary of Education to award grants to promote the expansion of the Best Buddies programs and to increase participation in and public awareness about these programs. The bill authorizes \$10,000,000 for fiscal year 2010 and such sums as necessary through fiscal year 2014. If passed, this legislation would allow Best Buddies to expand their valuable work and offer programs in every state in the America, helping to create a more inclusive society with a direct and positive impact on more than 1.2 million citizens.

I thank my colleague Senator HATCH for working with me on this important legislation. I urge my colleagues to join with me in supporting this legisla-

tion that will make a positive—and needed—difference in the lives of individuals with intellectual disabilities and in the lives of those with whom they develop relationships through the Best Buddies program.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 694

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Best Buddies Empowerment for People with Intellectual Disabilities Act of 2009".

#### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Best Buddies operates the first national social and recreational program in the United States for people with intellectual disabilities.

(2) Best Buddies is dedicated to helping people with intellectual disabilities become part of mainstream society.

(3) Best Buddies is determined to end social isolation for people with intellectual disabilities by promoting meaningful friendships between them and their non-disabled peers in order to help increase the self-esteem, confidence, and abilities of people with and without intellectual disabilities.

(4) Since 1989, Best Buddies has enhanced the lives of people with intellectual disabilities by providing opportunities for 1-to-1 friendships and integrated employment.

(5) Best Buddies is an international organization spanning 1,300 middle school, high school, and college campuses.

(6) Best Buddies implements programs that will positively impact more than 400,000 individuals in 2009 and expects to impact 500,000 people by 2010.

(7) The Best Buddies Middle Schools program matches middle school students with intellectual disabilities with other middle school students and supports 1-to-1 friendships between them.

(8) The Best Buddies High Schools program matches high school students with intellectual disabilities with other high school students and supports 1-to-1 friendships between them.

(9) The Best Buddies Colleges program matches adults with intellectual disabilities with college students and creates 1-to-1 friendships between them.

(10) The Best Buddies e-Buddies program supports e-mail friendships between people with and without intellectual disabilities.

(11) The Best Buddies Citizens program pairs adults with intellectual disabilities in 1-to-1 friendships with other individuals in the corporate and civic communities.

(12) The Best Buddies Jobs program promotes the integration of people with intellectual disabilities into the community through supported employment.

(b) PURPOSE.—The purposes of this Act are to—

(1) provide support to Best Buddies to increase participation in and public awareness about Best Buddies programs that serve people with intellectual disabilities;

(2) dispel negative stereotypes about people with intellectual disabilities; and

(3) promote the extraordinary contributions of people with intellectual disabilities.

#### SEC. 3. ASSISTANCE FOR BEST BUDDIES.

(a) EDUCATION ACTIVITIES.—The Secretary of Education may award grants to, or enter



into contracts or cooperative agreements with, Best Buddies to carry out activities to promote the expansion of Best Buddies, including activities to increase the participation of people with intellectual disabilities in social relationships and other aspects of community life, including education and employment, within the United States.

(b) LIMITATIONS.—

(1) IN GENERAL.—Amounts appropriated to carry out this Act may not be used for direct treatment of diseases, medical conditions, or mental health conditions.

(2) ADMINISTRATIVE ACTIVITIES.—Not more than 5 percent of amounts appropriated to carry out this Act for a fiscal year may be used for administrative activities.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit the use of non-Federal funds by Best Buddies.

**SEC. 4. APPLICATION AND ANNUAL REPORT.**

(a) APPLICATION.—

(1) IN GENERAL.—To be eligible for a grant, contract, or cooperative agreement under section 3(a), Best Buddies shall submit an application at such time, in such manner, and containing such information as the Secretary of Education may require.

(2) CONTENT.—At a minimum, an application under this subsection shall contain the following:

(A) A description of activities to be carried out under the grant, contract, or cooperative agreement.

(B) Information on specific measurable goals and objectives to be achieved through activities carried out under the grant, contract, or cooperative agreement.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—As a condition of receipt of any funds under section 3(a), Best Buddies shall agree to submit an annual report at such time, in such manner, and containing such information as the Secretary of Education may require.

(2) CONTENT.—At a minimum, each annual report under this subsection shall describe the degree to which progress has been made toward meeting the specific measurable goals and objectives described in the applications submitted under subsection (a).

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary of Education for grants, contracts, or cooperative agreements under section 3(a), \$10,000,000 for fiscal year 2010, and such sums as may be necessary for each of the 4 succeeding fiscal years.

By Ms. SNOWE (for herself, Mr. KOHL, Mr. STABENOW, Mr. BROWN, and Mr. LIEBERMAN):

S. 695. A bill to authorize the Secretary of Commerce to reduce the matching requirement for participants in the Hollings Manufacturing Partnership Program; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today in support of critical legislation that I am introducing, along with Senators KOHL, STABENOW, BROWN, and LIEBERMAN, to reduce the cost share amount that the Manufacturing Extension Partnership, or MEP, faces in obtaining its annual funding. The MEP is a nationwide public-private network of counseling and assistance centers that provide our nation's nearly 350,000 small and medium manufacturers with services and access to resources that enhance growth, improve productivity, and expand capacity. The MEP's con-

tribution to sustaining America's manufacturing sector is indisputable. In fiscal year 2008 alone, MEP clients created or retained 57,079 jobs; provided cost savings in excess of \$1.44 billion; and generated over \$10.5 billion in sales.

At present, individual MEP centers must raise a full two-thirds of their funding after their fourth year of operation, placing a heavy burden on these centers. The National Institute of Standards and Technology, NIST, at the Department of Commerce, in turn, provides 1/3 of the centers' funding. MEP centers can meet their portion of the cost share requirement through funds from universities, State and local governments, and other institutions.

In today's tumultuous economy, these centers are experiencing increased difficulties finding adequate funding from both private and public sources. As economic concerns weigh down on all of us, States, organizations, and groups that traditionally assist MEP centers in meeting this cost share are reluctant to expend the money—or do not have the resources to do so.

Our bill is simple and straightforward. It would reduce the statutory cost share that MEP centers face to 50 percent for all years of the centers' operation. Frankly, the Nation's MEP centers are subject to an unnecessarily restrictive cost share requirement. It is inequitable, as the MEP is the only initiative out of the 80 programs funded by the Department of Commerce that is subject to a statutory cost share of greater than 50 percent. There is no reason for this to persist, particularly not during this trying economy when so many manufacturers are trying to remain afloat.

The MEP is an essential resource for small and medium manufacturers nationwide. With centers in all 50 States, as well as Puerto Rico, its reach is unmatched and its experience in counseling manufacturers is unrivaled. It is my hope that my colleagues will support this legislation as a direct way to bolster an industry that is indispensable to our Nation's economy health.

By Mr. CARDIN (for himself and Mr. ALEXANDER):

S. 696. A bill to amend the Federal Water Pollution Control Act to include a definition of fill material; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, today the Obama administration is taking an important first step in ending mountaintop mining, one of the most environmentally destructive practices currently in use in this country. More than 1 million acres of Appalachia have already been destroyed. An estimated 1,200 miles of headwater streams have been buried under tons of mining wastes. Over 500 mountains have been permanently scarred. Homes have been ruined and drinking water supplies contaminated. It is time to end this es-

pecially destructive method of coal mining.

By stopping the issuance of some of the most destructive permits, today the administration is sending the right signals that the days of mountaintop mining are being relegated to the dust bin of the past, where they belong.

Today, Senator LAMAR ALEXANDER and I are introducing bipartisan legislation that will go one step further. Our bill, the Appalachia Restoration Act, will make clear that mining wastes cannot be dumped into our streams, smothering them and sending plumes of toxic run-off into groundwater systems. This Cardin-Alexander legislation amends the Clean Water Act, specifically preventing the so-called "excess spoil" of mining wastes from entering our streams and rivers. This simple legislation will restore the Clean Water Act to its original purpose. In doing so, it will stop the wholesale destruction of some of America's most beautiful and ecologically significant regions.

Mountaintop mining produces less than five percent of the coal mined in the United States. This bill does not ban other methods of coal mining. Instead, it is narrowly tailored to stop a practice that has earned the condemnation of communities across Appalachia as well as citizens across the rest of the country.

I applaud the Obama administration for the steps it is taking today, and Senator ALEXANDER and I look forward to working with the Administration to pass the Cardin-Alexander Appalachia Restoration Act later this year.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 696

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Appalachia Restoration Act".

**SEC. 2. FILL MATERIAL.**

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

“(26) FILL MATERIAL.—

“(A) IN GENERAL.—The term ‘fill material’ means any pollutant that—

“(i) replaces a portion of the waters of the United States with dry land; or

“(ii) modifies the bottom elevation of a body of water for any purpose.

“(B) EXCLUSIONS.—The term ‘fill material’ does not include—

“(i) the disposal of excess spoil material (as described in section 515(b)(22) of the Surface Mining Control and Reclamation Act (30 U.S.C. 1265(b)(22))) in waters of the United States; or

“(ii) trash or garbage.”.

By Mr. FEINGOLD (for himself,

Mr. GRAHAM, and Ms. COLLINS):

S. 698. A bill to ensure the provision of high-quality health care coverage for uninsured individuals through State health care coverage pilot projects that expand coverage and access and improve quality and efficiency

in the health care system; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, there is a crisis facing our country, a crisis that directly affects the lives of almost 50 million people in the U.S., and that indirectly affects many more. The crisis is the lack of universal health insurance in America, and its effects are rippling through our families, our communities, and our economy. It is the number one issue that I hear about in Wisconsin, and it is the number one issue for many Americans. Nevertheless, for too long, Congress has been locked in a stalemate when it comes to health reform, refusing to move forward on this life-threatening problem because of party politics and special interests. That is why, for the past few Congresses, I have introduced with the Senator from South Carolina, LINDSEY GRAHAM, the State-Based Health Care Reform Act.

Senator GRAHAM and I are from opposite ends of the political spectrum, we are from different areas of the country, and we have different views on health care. But we agree that something needs to be done about health care in our country. Every day, all over our nation, Americans suffer from medical conditions that cause them pain and even change the way they lead their lives. Every one of us has either experienced this personally or through a family member suffering from cancer, Alzheimer's, diabetes, genetic disorders, mental illness or some other condition. The disease takes its toll on both individuals and families, as trips to the hospital for treatments such as chemotherapy test the strength of the person and the family affected. This is an incredibly difficult situation for anyone. But for the uninsured and underinsured, the suffering goes beyond physical discomfort. These Americans bear the additional burden of wondering where the next dollar for their health care bills will come from; worries of going into debt; worries of going bankrupt because of health care needs. When illness strikes families, the last thing they should have to think about is money, but for many in our country, this is a persistent burden that causes additional stress and hopelessness when they are ill.

It is difficult to do justice to the magnitude of the uninsurance problem, but I want to share a few astounding statistics. The need for health care reform has reached crisis proportions in America, with over 46 million Americans uninsured. As a result of our current economic crisis, that number is climbing by the day. In December of 2008 and January of 2009, it is estimated that 14,000 Americans lost their access to health care each day; in Wisconsin, 230 people each day lost access to care during these 2 months. The cost of providing care to the uninsured weighs heavily on the U.S. economy. According to research done by the journal Health Affairs, the uninsured received

approximately \$56,000,000,000 in uncompensated care in 2008. Government programs finance about 75 percent of uncompensated care. The cost of the uninsured weighs heavily on our collective conscience, as well. In my home State of Wisconsin alone, it is estimated that 250 Wisconsinites, or 5 people each week, died in 2006 because they did not have health insurance.

The U.S. is the only industrialized nation that does not guarantee health care for its citizens. In other countries, if someone is sick, they get proper care regardless of ability to pay. In our country, that is not the case. It is unacceptable for a nation as great as America to not provide good health care for all our citizens. We are failing those in need. We are failing the hard-working family that cannot afford the insurance offered to them. We are failing the uninsured children whose parents do not have any access to insurance. We are failing low-income Americans and middle-income Americans alike. This is not right. We can do better.

Even for those Americans who currently have health insurance through their employer, the risk of becoming uninsured is very real. Large businesses are finding themselves less competitive in the global market because of skyrocketing health care costs. Small businesses are finding it difficult to offer insurance to employees while staying competitive in their own communities. Our health care system has failed to keep costs in check, and there is simply no way we can expect businesses to keep up. More and more, employers are forced to increase employee cost-sharing or to offer sub-par benefits, or no benefits at all. Employers cannot be the sole provider of health care when these costs are rising faster than inflation.

I travel to each of Wisconsin's 72 counties every year to hold townhall meetings. Almost every year, the number one issue raised at these listening sessions is the same—health care. The failure of our health care system brings people to these meetings in droves. These people used to think Government involvement was a terrible idea, but not anymore. Now they come armed with their frustration, their anger, and their desperation, and they tell me that their businesses and their lives are being destroyed by health care costs, and they want the Government to step in.

I am pleased to be joined by Senator GRAHAM in introducing the State-Based Health Care Reform Act. In short, this bill establishes a pilot project to provide States with the resources needed to implement universal health care reform. The bill does not dictate what kind of reform the States should implement, it just provides an incentive for action, provided States meet certain minimum coverage and low-income requirements.

Even though Senator GRAHAM and I support different methods of health

care reform, we both agree that this legislation presents a viable solution to the logjam preventing reform. It may well be that, with a new President and a new Congress, that logjam is already broken. I hope that is the case, as I have long said that a single-payer health care system is what I prefer for our country. I also recognize that there are strong obstacles to enacting real reform, and that we may need the support of members of Congress with different views on this topic. Senator GRAHAM would like to see health care privatized and see a base, catastrophic coverage offered to everyone. Despite our disagreements about the form that health care reform should take, we agree on this legislation.

With the election of Barack Obama, Americans have a real opportunity to reform our health care system. I look forward to consideration of health care reform this Congress, and I do not intend to push this bill as an alternative to broader efforts. But I do think our proposal may help provide ideas about how to bring together Democrats and Republicans on this issue.

Under our proposal, States can be creative in the State resources they use to expand health care coverage. For example, a State can use personal or employer mandates for coverage, use State tax incentives, create a single-payer system or even join with neighboring States to offer a regional health care plan. The proposals are subject only to the approval of the newly created Health Care Coverage Task Force, which will be composed of health care experts, consumers, and representatives from groups affected by health care reform. This Task Force will be responsible for choosing viable State projects and ensuring that the projects are effective. The Task Force will also help the States develop projects, and will continue a dialogue with the States in order to facilitate a good relationship between the State and Federal Governments.

The Task Force is also charged with making sure that the State plans meet certain minimal requirements. First, the State plans must include specific target dates for decreasing the number of uninsured, and must also identify a set of minimum benefits for every covered individual. These benefits must be comparable to health insurance offered to Federal employees. Second, the State plans must include a mechanism to guarantee that the insurance is affordable. Americans should not go broke trying to keep healthy, and health care reform should ensure that individual costs are manageable. The State-Based Health Care Reform Act bases affordability on income.

Another provision in this legislation requires that the States contribute to paying for their new health care programs. The Federal Government will provide matching funds based on enhanced FMAP—the same standard used for SCHIP—and will then provide an additional 5 percent. States that can

afford to provide more are encouraged to, but the matching requirement will ensure the financial viability of the bill and State buy-in. Other than these requirements, the States largely have flexibility to design a plan that works best for their respective residents. The possibilities for reform are wide open.

One of the main criticisms of Federal Government spending on health care is that it is expensive and increases the deficit. My legislation is fully offset, ensuring that it will not increase the deficit. The bill does not avoid making the tough budget choices that need to be made if we are going to pay for health care reform.

We need a solution for a broken system where millions are uninsured, and where businesses and Americans are struggling under the burden of health care costs.

It has been over 10 years since the last serious debate over health care reform was killed by special interests and the soft money contributions they used to corrupt the legislative process. The legislative landscape is now much different. Soft money can no longer be used to set the agenda, and businesses and workers are crying out as never before for Congress to do something about the country's health care crisis.

We are fortunate to live in a country that has been abundantly blessed with democracy and wealth, and yet there are those in our society whose daily health struggles overshadow these blessings. That is an injustice, but it is one we can and must address. Dr. Martin Luther King, Jr., said, "Of all the forms of inequality, injustice in health care is the most shocking and inhumane." It is long past time for Congress to heed these words and end this terrible inequality.

By Mr. BINGAMAN (for himself, Mr. BROWN and Ms. COLLINS):

S. 700. A bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today along with my colleagues, Senators BROWN and COLLINS, to introduce bipartisan legislation entitled Ending the Medicare Disability Waiting Period Act of 2009. This legislation would phase out the current 2-year waiting period that people with disabilities must endure after qualifying for Social Security Disability Insurance, SSDI. In the interim or as the waiting period is being phased out, the bill would also create a process by which the Secretary can immediately waive the waiting period for people with life-threatening illnesses.

When Medicare was expanded in 1972 to include people with significant disabilities, lawmakers created the 24-month waiting period. According to an April 2007 report from the Common-

wealth Fund, it is estimated that over 1.5 million SSDI beneficiaries are in the Medicare waiting period at any given time, "all of whom are unable to work because of their disability and most of whom have serious health problems, low incomes, and limited access to health insurance." Nearly 39 percent of these individuals do not have health insurance coverage for some point during the waiting period and 26 percent have no health insurance during this period.

The stated reason at the time was to limit the fiscal cost of the provision. However, I would assert that there is no reason, be it fiscal or moral, to tell people that they must wait longer than 2 years after becoming severely disabled before we provide them access to much needed health care.

In fact, it is important to note that there really are actually three waiting periods that are imposed upon people seeking to qualify for SSDI. First, there is the disability determination process through the Social Security Administration, which often takes many months or even longer than a year in some cases. Second, once a worker has been certified as having a severe or permanent disability, they must wait an additional five months before receiving their first SSDI check. And third, after receiving that first SSDI check, there is the 2-year period that people must wait before their Medicare coverage begins.

What happens to the health and well-being of people waiting more than 2½ years before they finally receive critically needed Medicare coverage? According to Karen Davis, president of the Commonwealth Fund, which has conducted several important studies on the issue, "Individuals in the waiting period for Medicare suffer from a broad range of debilitating diseases and are in urgent need of appropriate medical care to manage their conditions. Eliminating the 2-year wait would ensure access to care for those already on the way to Medicare."

Again, we are talking about individuals that have been determined to be unable to engage in any "substantial, gainful activity" because of either a physical or mental impairment that is expected to result in death or to continue for at least 12 months. These are people that, by definition, are in more need of health coverage than anybody else in our society. The consequences are unacceptable and are, in fact, dire.

The majority of people who become disabled were, before their disability, working full-time jobs and paying into Medicare like all other employed Americans. At the moment these men and women need coverage the most, just when they have lost their health, their jobs, their income, and their health insurance, Federal law requires them to wait 2 full years to become eligible for Medicare. Many of these individuals are needlessly forced to accumulate tens-of-thousands of dollars in healthcare debt or compromise their

health due to forgone medical treatment. Many individuals are forced to sell their homes or go bankrupt. Even more tragically, more than 16,000 disabled beneficiaries annually, about 4 percent of beneficiaries, do not make it through the waiting period. They die before their Medicare coverage ever begins.

Removing the waiting period is well worth the expense. According to the Commonwealth Fund, analyses have shown providing men and women with Medicare at the time that Social Security certifies them as disabled would cost \$8.7 billion annually. This cost would be partially offset by \$4.3 billion in reduced Medicaid spending, which many individuals require during the waiting period. In addition, untold expenses borne by the individuals involved could be avoided, as well as the costs of charity care on which many depend. Moreover, there may be additional savings to the Medicare program itself, which often has to bear the expense of addressing the damage done during the waiting period. During this time, deferred health care can worsen conditions, creating additional health problems and higher costs.

Further exacerbating the situation, some beneficiaries have had the unfortunate fate of having received SSI and Medicaid coverage, applied for SSDI, and then lost their Medicaid coverage because they were not aware the change in income when they received SSDI would push them over the financial limits for Medicaid. In such a case, and let me emphasize this point, the Government is effectively taking their health care coverage away because they are so severely disabled.

Therefore, for some in the waiting period, their battle is often as much with the Government as it is with their medical condition, disease, or disability.

Nobody could possibly think this makes any sense.

As the Medicare Rights Center has said, "By forcing Americans with disabilities to wait 24 months for Medicare coverage, the current law effectively sentences these people to inadequate health care, poverty, or death. . . . Since disability can strike anyone, at any point in life, the 24-month waiting period should be of concern to everyone, not just the millions of Americans with disabilities today."

Although elimination of the Medicare waiting period will certainly increase Medicare costs, it is important to note that there will be some decrease in Medicaid costs. Medicaid, which is financed by both Federal and State governments, often provides coverage for a subset of disabled Americans in the waiting period, as long as they meet certain income and asset limits. Income limits are typically at or below the poverty level, including at just 74 percent of the poverty line in New Mexico, with assets generally limited to just \$2,000 for individuals and \$3,000 for couples.

Furthermore, from a continuity of care point of view, it makes little sense that somebody with disabilities must leave their job and their health providers associated with that plan, move on to Medicaid, often have a different set of providers, then switch to Medicare and yet another set of providers. The cost, both financial and personal, of not providing access to care or poorly coordinated care services for these seriously ill people during the waiting period may be greater in many cases than providing health coverage.

Finally, private-sector employers and employees in those risk-pools would also benefit from the passage of the bill. As the Commonwealth Fund has noted, “. . . to the extent that disabled adults rely on coverage through their prior employer or their spouse’s employer, eliminating the waiting period would also produce savings to employers who provide this coverage.”

To address concerns about costs and immediate impact on the Medicare program, the legislation phases out the waiting period over a 10-year period. In the interim, the legislation would create a process by which others with life-threatening illnesses could also get an exception to the waiting period. Congress has previously extended such an exception to the waiting period to individuals with amyotrophic lateral sclerosis, ALS, also known as Lou Gehrig’s disease, and for hospice services. The ALS exception passed the Congress in December 2000 and went into effect July 1, 2001. Thus, the legislation would extend the exception to all people with life-threatening illnesses in the waiting period.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 700

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Ending the Medicare Disability Waiting Period Act of 2009”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Phase-out of waiting period for medicare disability benefits.
- Sec. 3. Elimination of waiting period for individuals with life-threatening conditions.
- Sec. 4. Institute of Medicine study and report on delay and prevention of disability conditions.

# **SEC. 2. PHASE-OUT OF WAITING PERIOD FOR MEDICARE DISABILITY BENEFITS.**

(a) **IN GENERAL.**—Section 226(b) of the Social Security Act (42 U.S.C. 426(b)) is amended—

(1) in paragraph (2)(A), by striking “, and has for 24 calendar months been entitled to,” and inserting “, and for the waiting period (as defined in subsection (k)) has been entitled to,”;

(2) in paragraph (2)(B), by striking “, and has been for not less than 24 months,” and

inserting “, and has been for the waiting period (as defined in subsection (k)),”;

(3) in paragraph (2)(C)(ii), by striking “, including the requirement that he has been entitled to the specified benefits for 24 months,” and inserting “, including the requirement that the individual has been entitled to the specified benefits for the waiting period (as defined in subsection (k)),”;

(4) in the flush matter following paragraph (2)(C)(ii)(II)—

(A) in the first sentence, by striking “for each month beginning with the later of (I) July 1973 or (II) the twenty-fifth month of his entitlement or status as a qualified railroad retirement beneficiary described in paragraph (2), and” and inserting “for each month beginning after the waiting period (as so defined) for which the individual satisfies paragraph (2) and”;

(B) in the second sentence, by striking “the ‘twenty-fifth month of his entitlement’ refers to the first month after the twenty-fourth month of entitlement to specified benefits referred to in paragraph (2)(C) and”;

(C) in the third sentence, by striking “, but not in excess of 78 such months”.

(b) **SCHEDULE FOR PHASE-OUT OF WAITING PERIOD.**—Section 226 of the Social Security Act (42 U.S.C. 426) is amended by adding at the end the following new subsection:

“(k) For purposes of subsection (b) (and for purposes of section 1837(g)(1) of this Act and section 7(d)(2)(ii) of the Railroad Retirement Act of 1974), the term ‘waiting period’ means—

- “(1) for 2010, 18 months;
- “(2) for 2011, 16 months;
- “(3) for 2012, 14 months;
- “(4) for 2013, 12 months;
- “(5) for 2014, 10 months;
- “(6) for 2015, 8 months;
- “(7) for 2016, 6 months;
- “(8) for 2017, 4 months;
- “(9) for 2018, 2 months; and
- “(10) for 2019 and each subsequent year, 0 months.”.

(c) **CONFORMING AMENDMENTS.**—

(1) **SUNSET.**—Effective January 1, 2019, subsection (f) of section 226 of the Social Security Act (42 U.S.C. 426) is repealed.

(2) **MEDICARE DESCRIPTION.**—Section 1811(2) of such Act (42 U.S.C. 1395c(2)) is amended by striking “entitled for not less than 24 months” and inserting “entitled for the waiting period (as defined in section 226(k))”.

(3) **MEDICARE COVERAGE.**—Section 1837(g)(1) of such Act (42 U.S.C. 1395p(g)(1)) is amended by striking “of the later of (A) April 1973 or (B) the third month before the 25th month of such entitlement” and inserting “of the third month before the first month following the waiting period (as defined in section 226(k)) applicable under section 226(b)”.

(4) **RAILROAD RETIREMENT SYSTEM.**—Section 7(d)(2)(ii) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(d)(2)(ii)) is amended—

(A) by striking “, for not less than 24 months” and inserting “, for the waiting period (as defined in section 226(k) of the Social Security Act); and

(B) by striking “could have been entitled for 24 calendar months, and” and inserting “could have been entitled for the waiting period (as defined in section 226(k) of the Social Security Act), and”.

(d) **EFFECTIVE DATE.**—Except as provided in subsection (c)(1), the amendments made by this section shall apply to insurance benefits under title XVIII of the Social Security Act with respect to items and services furnished in months beginning at least 90 days after the date of the enactment of this Act (but in no case earlier than January 1, 2010).

# **SEC. 3. ELIMINATION OF WAITING PERIOD FOR INDIVIDUALS WITH LIFE-THREATENING CONDITIONS.**

(a) **IN GENERAL.**—Section 226(h) of the Social Security Act (42 U.S.C. 426(h)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) in the matter preceding subparagraph (A) (as redesignated by paragraph (1)), by inserting “(1)” after “(h)”;

(3) in paragraph (1) (as designated by paragraph (2))—

(A) in the matter preceding subparagraph (A) (as redesignated by paragraph (1)), by inserting “or any other life-threatening condition” after “amyotrophic lateral sclerosis (ALS)”;

(B) in subparagraph (B) (as redesignated by paragraph (1)), by striking “(rather than twenty-fifth month)”;

(4) by adding at the end the following new paragraph:

“(2) For purposes of identifying life-threatening conditions under paragraph (1), the Secretary shall compile a list of conditions that are fatal without medical treatment. In compiling such list, the Secretary shall—

“(A) consult with the Director of the National Institutes of Health (including the Office of Rare Diseases), the Director of the Centers for Disease Control and Prevention, the Director of the National Science Foundation, and the Institute of Medicine of the National Academy of Sciences; and

“(B) annually review the compassionate allowances list of conditions of the Social Security Administration.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to insurance benefits under title XVIII of the Social Security Act with respect to items and services furnished in months beginning at least 90 days after the date of the enactment of this Act (but in no case earlier than January 1, 2010).

# **SEC. 4. INSTITUTE OF MEDICINE STUDY AND REPORT ON DELAY AND PREVENTION OF DISABILITY CONDITIONS.**

(a) **STUDY.**—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall request that the Institute of Medicine of the National Academy of Sciences conduct a study on the range of disability conditions that can be delayed or prevented if individuals receive access to health care services and coverage before the condition reaches disability levels.

(b) **REPORT.**—Not later than the date that is 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the Institute of Medicine study authorized under this section.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$750,000 for the period of fiscal years 2010 and 2011.

By Mr. KERRY (for himself, Mr. ALEXANDER, Mr. WYDEN, Mr. WHITEHOUSE, and Mr. BROWNBACK):

S. 701 A bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins (IVI); to the Committee on Finance.

Mr. KERRY. Mr. President, as we move forward with comprehensive health reform we must also not ignore that some of our most vulnerable Medicare beneficiaries are subject to costly, bureaucratic red tape which is delaying

essential, life-saving treatments. Addressing this problem can both increase the quality of life for many patients and ease financial burdens for their medical providers.

Between 6,000 and 10,000 Medicare beneficiaries have primary immunodeficiency diseases, PIDD, that require intravenous immunoglobulin, IVIG, treatment to maintain a healthy immune system.

Primary Immunodeficiency Diseases, PIDD, are disorders in which part of the body's immune system is missing or does not function properly. Untreated PIDDs result in frequent life-threatening infections and debilitating illnesses. Even illnesses such as the common cold or the flu can be deadly for someone with PIDD.

Because of advances in our medical understanding and treatment of primary immune deficiency diseases, individuals who in the past would not have survived childhood are now able to live nearly normal lives. While there is still no cure for PIDD, there are effective treatments available. Nearly 70 percent of primary immune deficient patients use intravenous immunoglobulin, IVIG, to maintain their health.

Immunoglobulin is a naturally occurring collection of highly specialized proteins, known as antibodies, which strengthen the body's immune response. It is derived from human plasma donations and is administered intravenously to the patient every three to four weeks.

Currently, Medicare beneficiaries needing IVIG treatments are experiencing access problems. This is an unintended result of the way Medicare has determined the payment for IVIG. In January 2005, the Medicare Modernization Act changed the way physicians and hospital outpatient departments were paid under Medicare. The law reduced IVIG reimbursement rates so most physicians in outpatient settings could no longer afford to treat Medicare patients requiring IVIG. Access to home based infusion therapy is limited since Medicare currently pays for the cost of IVIG, but not for the nursing services or supplies required for infusion.

As a result, patients are experiencing delays in receiving critically-needed treatment and are being shifted to more expensive care settings such as inpatient hospitals. In April 2007, the U.S. Department of Health and Human Services Office of the Inspector General, OIG, reported that Medicare reimbursement for IVIG was inadequate to cover the cost many providers must pay for the product. In fact, the OIG found that 44 percent of hospitals and 41 percent of physicians were unable to purchase IVIG at the Medicare reimbursement rate during the 3rd quarter of 2006. The previous quarter was even worse—77.2 percent of hospitals and 96.5 percent of physicians were unable to purchase IVIG at the Medicare reimbursement rate.

We have an opportunity to fix this very real problem with a compas-

sionate and common sense solution. I believe we can improve the quality of life for PIDD patients and cut inpatient expenses by improving reimbursement procedures for IVIG treatments for physicians and outpatient facilities and allowing for home treatments and coverage for related services.

That is why, today, I am introducing the Medicare IVIG Access Act, with Senators ALEXANDER, WYDEN, WHITEHOUSE, and BROWNBACK, to authorize the Secretary of Health and Human Services to update the payment for IVIG, based on new or existing data, and to provide coverage for related items and services currently excluded from the existing Medicare home infusion therapy benefit. This bill is endorsed by several national organizations from the patient and physician communities, including the Immune Deficiency Foundation, GBS/CIDP Foundation International, the Jeffrey Modell Foundation, the Clinical Immunology Society, and the National Patient Advocate Foundation.

I hope all my colleagues can support this legislation to help patients, physicians, caretakers, researchers, and plasma donors.

By Mr. GRASSLEY (for himself, Mrs. LINCOLN, Ms. SNOWE, Mr. ENSIGN, Ms. COLLINS, Ms. KLOBUCHAR, and Mr. GRAHAM):

S. 702. A bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, at 2:30 today, the Senate Finance Committee, Subcommittee on Health Care, held a hearing entitled The Role of Long-Term Care in Health Reform. In conjunction with the Subcommittee hearing, my colleagues Senators LINCOLN, SNOWE, ENSIGN, COLLINS, KLOBUCHAR, GRAHAM and I wanted to take the opportunity to introduce the Long-Term Care Affordability and Security Act of 2009.

Our Nation is graying. Research shows that the elderly population will nearly double by 2030. By 2050, the population of those aged 85 and older will have grown by more than 300 percent. Research also shows that the average age at which individuals need long-term care services, such as home health care or a private room at a nursing home, is 75. Currently, the average annual cost for a private room at a nursing home is more than \$75,000. This cost is expected to be in excess of \$140,000 by 2030.

Based on these facts, we can see that our Nation needs to prepare its citizens for the challenges they may face in old age. One way to prepare for these challenges is by encouraging more Americans to obtain long-term care insurance coverage. To date, only 10 percent of seniors have long-term care insur-

ance policies, and only 7 percent of all private-sector employees are offered long-term care insurance as a voluntary benefit.

Under current law, employees may pay for certain health-related benefits, which may include health insurance premiums, co-pays, and disability or life insurance, on a pre-tax basis under cafeteria plans and flexible spending arrangements, FSAs. Essentially, an employee may elect to reduce his or her annual salary to pay for these benefits, and the employee does not pay taxes on the amounts used to pay these costs. Employees, however, are explicitly prohibited from paying for the cost of long-term care insurance coverage tax-free.

Our bill would allow employers, for the first time, to offer qualified long-term care insurance to employees under FSAs and cafeteria plans. This means employees would be permitted to pay for qualified long-term care insurance premiums on a tax-free basis. This would make it easier for employees to purchase long-term care insurance, which many find unaffordable. This should also encourage younger individuals to purchase long-term care insurance. The younger the person is at the time the long-term care insurance contract is purchased, the lower the insurance premium.

An aging Nation has no time to waste in preparing for long-term care, and the need to help people afford long-term care is more pressing than ever. I look forward to working with Senators LINCOLN, SNOWE, ENSIGN, COLLINS, KLOBUCHAR, GRAHAM and all of our Senate colleagues toward enacting the Long-Term Care Affordability and Security Act of 2009.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 702

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Long-Term Care Affordability and Security Act of 2009".

#### SEC. 2. TREATMENT OF PREMIUMS ON QUALIFIED LONG-TERM CARE INSURANCE CONTRACTS.

##### (a) IN GENERAL.—

(1) CAFETERIA PLANS.—The last sentence of section 125(f) of the Internal Revenue Code of 1986 (defining qualified benefits) is amended by inserting before the period at the end ";; except that such term shall include the payment of premiums for any qualified long-term care insurance contract (as defined in section 7702B) to the extent the amount of such payment does not exceed the eligible long-term care premiums (as defined in section 213(d)(10)) for such contract".

(2) FLEXIBLE SPENDING ARRANGEMENTS.—Section 106 of such Code (relating to contributions by an employer to accident and health plans) is amended by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

##### (b) CONFORMING AMENDMENTS.—

(1) Section 6041 of such Code is amended by adding at the end the following new subsection:

“(h) FLEXIBLE SPENDING ARRANGEMENT DEFINED.—For purposes of this section, a flexible spending arrangement is a benefit program which provides employees with coverage under which—

“(1) specified incurred expenses may be reimbursed (subject to reimbursement maximums and other reasonable conditions), and

“(2) the maximum amount of reimbursement which is reasonably available to a participant for such coverage is less than 500 percent of the value of such coverage.

In the case of an insured plan, the maximum amount reasonably available shall be determined on the basis of the underlying coverage.”.

(2) The following sections of such Code are each amended by striking “section 106(d)” and inserting “section 106(c)”: sections 223(b)(4)(B), 223(d)(4)(C), 223(f)(3)(B), 3231(e)(11), 3306(b)(18), 3401(a)(22), 4973(g)(1), and 4973(g)(2)(B)(i).

(3) Section 6041(f)(1) of such Code is amended by striking “(as defined in section 106(c)(2))”.

(4) Section 26(b)(2)(S) of such Code is amended by striking “106(e)(3)(A)(ii)” and inserting “106(d)(3)(A)(ii)”.

(5) Section 223(c)(1)(B)(iii)(II) of such Code is amended by striking “section 106(e)” and inserting “section 106(d)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

### SEC. 3. ADDITIONAL CONSUMER PROTECTIONS FOR LONG-TERM CARE INSURANCE.

(a) ADDITIONAL PROTECTIONS APPLICABLE TO LONG-TERM CARE INSURANCE.—Subparagraphs (A) and (B) of section 7702B(g)(2) of the Internal Revenue Code of 1986 (relating to requirements of model regulation and Act) are amended to read as follows:

“(A) IN GENERAL.—The requirements of this paragraph are met with respect to any contract if such contract meets—

“(i) MODEL REGULATION.—The following requirements of the model regulation:

“(I) Section 6A (relating to guaranteed renewal or noncancellability), other than paragraph (5) thereof, and the requirements of section 6B of the model Act relating to such section 6A.

“(II) Section 6B (relating to prohibitions on limitations and exclusions) other than paragraph (7) thereof.

“(III) Section 6C (relating to extension of benefits).

“(IV) Section 6D (relating to continuation or conversion of coverage).

“(V) Section 6E (relating to discontinuance and replacement of policies).

“(VI) Section 7 (relating to unintentional lapse).

“(VII) Section 8 (relating to disclosure), other than sections 8F, 8G, 8H, and 8I thereof.

“(VIII) Section 11 (relating to prohibitions against post-claims underwriting).

“(IX) Section 12 (relating to minimum standards).

“(X) Section 13 (relating to requirement to offer inflation protection).

“(XI) Section 25 (relating to prohibition against preexisting conditions and probationary periods in replacement policies or certificates).

“(XII) The provisions of section 28 relating to contingent nonforfeiture benefits, if the policyholder declines the offer of a nonforfeiture provision described in paragraph (4) of this subsection.

“(ii) MODEL ACT.—The following requirements of the model Act:

“(I) Section 6C (relating to preexisting conditions).

“(II) Section 6D (relating to prior hospitalization).

“(III) The provisions of section 8 relating to contingent nonforfeiture benefits, if the policyholder declines the offer of a nonforfeiture provision described in paragraph (4) of this subsection.

“(B) DEFINITIONS.—For purposes of this paragraph—

“(i) MODEL REGULATION.—The term ‘model regulation’ means the long-term care insurance model regulation promulgated by the National Association of Insurance Commissioners (as adopted as of December 2006).

“(ii) MODEL ACT.—The term ‘model Act’ means the long-term care insurance model Act promulgated by the National Association of Insurance Commissioners (as adopted as of December 2006).

“(iii) COORDINATION.—Any provision of the model regulation or model Act listed under clause (i) or (ii) of subparagraph (A) shall be treated as including any other provision of such regulation or Act necessary to implement the provision.

“(iv) DETERMINATION.—For purposes of this section and section 4980C, the determination of whether any requirement of the model regulation or the model Act has been met shall be made by the Secretary.”.

(b) EXCISE TAX.—Paragraph (1) of section 4980C(c) of the Internal Revenue Code of 1986 (relating to requirements of model provisions) is amended to read as follows:

“(1) REQUIREMENTS OF MODEL PROVISIONS.—

“(A) MODEL REGULATION.—The following requirements of the model regulation must be met:

“(i) Section 9 (relating to required disclosure of rating practices to consumer).

“(ii) Section 14 (relating to application forms and replacement coverage).

“(iii) Section 15 (relating to reporting requirements).

“(iv) Section 22 (relating to filing requirements for marketing).

“(v) Section 23 (relating to standards for marketing), including inaccurate completion of medical histories, other than paragraphs (1), (6), and (9) of section 23C.

“(vi) Section 24 (relating to suitability).

“(vii) Section 27 (relating to the right to reduce coverage and lower premiums).

“(viii) Section 31 (relating to standard format outline of coverage).

“(ix) Section 32 (relating to requirement to deliver shopper’s guide).

The requirements referred to in clause (vi) shall not include those portions of the personal worksheet described in Appendix B relating to consumer protection requirements not imposed by section 4980C or 7702B.

“(B) MODEL ACT.—The following requirements of the model Act must be met:

“(i) Section 6F (relating to right to return).

“(ii) Section 6G (relating to outline of coverage).

“(iii) Section 6H (relating to requirements for certificates under group plans).

“(iv) Section 6J (relating to policy summary).

“(v) Section 6K (relating to monthly reports on accelerated death benefits).

“(vi) Section 7 (relating to incontestability period).

“(vii) Section 9 (relating to producer training requirements).

“(C) DEFINITIONS.—For purposes of this paragraph, the terms ‘model regulation’ and ‘model Act’ have the meanings given such terms by section 7702B(g)(2)(B).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to policies issued more than 1 year after the date of the enactment of this Act.

By Mr. KERRY (for himself, Mr. LUGAR, Mr. KAUFMAN, and Mr. MENENDEZ):

S. 705. A bill to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes; to the Committee on Foreign Relations.

Mr. KERRY. Mr. President, I rise to support the Overseas Private Investment Corporation Reauthorization Act of 2009. Along with Senators LUGAR, KAUFMAN and MENENDEZ, I ask for approval of the Overseas Private Investment Corporation Reauthorization Act of 2009, a bill to reauthorize a vital U.S. Government agency that has assisted U.S. businesses and promoted projects in support of our foreign policy interests since 1971. This legislation reauthorizes the Overseas Private Investment Corporation, OPIC, for 4 years.

OPIC is an independent U.S. agency whose mission is to mobilize U.S. private sector investment in poorer countries to facilitate their economic and social development. It provides U.S. companies with financing—from large structured finance to small business loans, political risk insurance, and investment funds.

OPIC operates at no net cost to taxpayers: OPIC charges market-based fees for its products and operates on a self-sustaining basis. Over its 38-year history, OPIC projects have generated more than \$72 billion in U.S. exports and supported more than 273,000 American jobs while supporting over \$188 billion worth of investments that have helped developing countries generate almost \$15 billion in host-government revenues leading to over 821,000 host-country jobs.

OPIC’s financing and political risk insurance help U.S. businesses, particularly small- and medium-sized enterprises, to compete in emerging markets and meet the challenges of investing overseas when private sector support is not available. OPIC promotes U.S. best practices by requiring that projects adhere to international labor standards.

OPIC also engages in critical foreign policy areas. It is implementing major projects in the Middle East, including Jordan, the West Bank, and Lebanon. In Africa, OPIC has established a new investment fund that will mobilize \$1.6 billion of private investment in Africa towards health care, housing, telecommunications and small businesses. The agency also gives preferential consideration to projects supported by small businesses. It has even established a separate department to focus on small business financing. An overwhelming majority of projects supported by OPIC involved small business—87 percent in fiscal year 2006. This is up from 24 percent in fiscal year 1997.

The bill incorporates several important aspects, including: strengthening the rights of workers overseas, and strengthening transparency requirements to ensure NGOs and other interested groups have sufficient notice and



information about potential OPIC-supported projects.

We all are aware of the unfortunate history associated with extractive industry projects and developing countries. Our bill ensures that OPIC projects will conform to principles and standards developed by the Extractive Industry Transparency Initiative. The transparency for extraction investments is a new subsection created by the bill to ensure that countries with extractive industry projects will put in place functioning systems to allow accurate accounting, regular independent audits and broader accountability. Ultimately, this will be an important tool for preventing fraud, bribery and corruption in host countries with extractive projects.

This legislation will also ensure greater transparency for how the Corporation operates. It directs OPIC to provide more detailed information in advance about potential projects so NGOs and other groups can determine their impact. The bill ensures that NGOs and other interested groups will have adequate notice and information about potential OPIC-supported projects, prior to Board meeting votes on OPIC assistance.

I would like to reiterate that OPIC is an important foreign policy tool that encourages U.S. private sector companies to invest in poorer countries and improve their economic and social development. I want to make sure OPIC can continue to do its good work, but I also want to ensure that OPIC adheres to the highest labor and environmental standards, incorporates stringent accountability measures towards extractive industry projects, and promotes a green investment agenda.

In conclusion, I urge my colleagues to approve the Overseas Private Investment Corporation Reauthorization Act of 2009 and join in this effort.

By Mr. AKAKA (for himself and Mr. VOINOVICH):

S. 707. A bill to enhance the Federal Telework Program; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I introduce the Telework Enhancement Act of 2009 to allow greater workplace flexibility for Federal workers and agencies. I am pleased to be joined in this effort by my good friend, Senator GEORGE VOINOVICH.

Flexible work arrangements referred to generally as “telework” have emerged as an important part of Federal agencies’ management tools and continuity of operations plans during emergencies, allowing employees to work from home or a remote location. As the Internet and technologies have advanced and become integrated into the modern work environment, opportunities for employees to securely and efficiently perform their official duties from a remote location also have expanded.

Last Congress, as Chairman of the Subcommittee on Oversight of Govern-

ment Management, the Federal Workforce, and the District of Columbia, I joined Ranking Member VOINOVICH in holding a hearing to assess telework policies and initiatives within the Federal Government. Witnesses testified to the benefits of increased telework opportunities within the Federal workforce, including lower vehicle emissions associated with commuting, better work-life balance, reduced overhead costs for agencies, and increased trust and communication between employees and their managers.

Expanding telework options helps the Federal Government attract and retain talented employees. With a large portion of the Federal workforce eligible for retirement in the coming years, it is essential for agencies to develop management tools to enhance recruitment and retention. This bill would provide Federal agencies with an important tool to remain competitive in the modern workplace and would offer a flexible option for human capital management.

Despite these benefits, witnesses also testified that many agencies hesitate to implement broad telework programs. The witnesses cite agency leadership and management resistance as the greatest barriers to the development of robust telework policies. Even the head of the Patent and Trademark Office acknowledged that without his persistent leadership and commitment to telework, the PTO would not have the beneficial program that it does today.

In the past, Congress has approved provisions in appropriations bills to enhance telework opportunities within the Federal Government and encouraged agencies to implement comprehensive telework programs. However, Congress has not approved an authorization bill to make all Federal employees presumptively eligible to telework unless an employing agency expressly determined otherwise. Last Congress I offered an amendment in the nature of a substitute to S. 1000, a telework bill introduced by Senators Stevens and LANDRIEU. My amendment was adopted by the Committee on Homeland Security and Governmental Affairs and the amended bill was reported on the floor of the Senate.

The Telework Enhancement Act of 2009 builds on those efforts by laying the groundwork for robust telework policies in each executive agency. The Office of Personnel Management, OPM, would work with agencies to provide guidance and consultation on telework policies and goals. A Telework Managing Officer, TMO, would also be created within each agency. The TMO’s primary responsibilities would be to monitor and develop agency telework policies, and act as a resource for employees and managers on telework issues.

This bill does more than provide guidelines for the development of robust telework policies; it prohibits discrimination against employees who

chose to telework, guaranteeing those employees will not be disadvantaged in performance evaluations, pay, or benefits. This bill also holds agencies accountable by requiring the submission of telework data to OPM. OPM is then responsible for submitting an annual report to Congress, which summarizes the telework data and reports on the progress of each agency in achieving its telework goals.

I am proud to join Senator VOINOVICH in introducing the Telework Enhancement Act of 2009. We must make sure agencies have the tools necessary to make the Federal Government an employer of choice in the twenty-first century; enhancing telework options will further that goal. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 707

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Telework Enhancement Act of 2009”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **EMPLOYEE.**—The term “employee” has the meaning given that term under section 2105 of title 5, United States Code.

(2) **EXECUTIVE AGENCY.**—Except as provided in section 7, the term “executive agency” has the meaning given that term under section 105 of title 5, United States Code.

(3) **TELEWORK.**—The term “telework” means a work arrangement in which an employee performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee.

#### SEC. 3. EXECUTIVE AGENCIES TELEWORK REQUIREMENT.

(a) **TELEWORK ELIGIBILITY.**—Not later than 180 days after the date of enactment of this Act, the head of each executive agency shall—

(1) establish a policy under which eligible employees of the agency may be authorized to telework;

(2) determine the eligibility for all employees of the agency to participate in telework; and

(3) notify all employees of the agency of their eligibility to telework.

(b) **PARTICIPATION.**—The policy described under subsection (a) shall—

(1) ensure that telework does not diminish employee performance or agency operations;

(2) require a written agreement that—  
(A) is entered into between an agency manager and an employee authorized to telework, that outlines the specific work arrangement that is agreed to; and

(B) is mandatory in order for any employee to participate in telework;

(3) provide that an employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the agency manager and that employee;

(4) except in emergency situations as determined by the head of an agency, not apply to any employee of the agency whose official duties require on a daily basis (every work day)—

(A) direct handling of secure materials; or

(B) on-site activity that cannot be handled remotely or at an alternate worksite; and

(5) be incorporated as part of the continuity of operations plans of the agency in the event of an emergency.

#### SEC. 4. TRAINING AND MONITORING.

(a) IN GENERAL.—The head of each executive agency shall ensure that—

(1) an interactive telework training program is provided to—

(A) employees eligible to participate in the telework program of the agency; and

(B) all managers of teleworkers;

(2) except as provided under subsection (b), an employee has successfully completed the interactive telework training program before that employee enters into a written agreement to telework described under section 3(b)(2);

(3) no distinction is made between teleworkers and nonteleworkers for purposes of—

(A) periodic appraisals of job performance of employees;

(B) training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees;

(C) work requirements; or

(D) other acts involving managerial discretion; and

(4) when determining what constitutes diminished employee performance, the agency shall consult the established performance management guidelines of the Office of Personnel Management.

(b) TRAINING REQUIREMENT EXEMPTIONS.—The head of an executive agency may provide for an exemption from the training requirements under subsection (a), if the head of that agency determines that the training would be unnecessary because the employee is already teleworking under a work arrangement in effect before the date of enactment of this Act.

#### SEC. 5. POLICY AND SUPPORT.

(a) AGENCY CONSULTATION WITH THE OFFICE OF PERSONNEL MANAGEMENT.—Each executive agency shall consult with the Office of Personnel Management in developing telework policies.

(b) GUIDANCE AND CONSULTATION.—The Office of Personnel Management shall—

(1) provide policy and policy guidance for telework in the areas of pay and leave, agency closure, performance management, official worksite, recruitment and retention, and accommodations for employees with disabilities;

(2) assist each agency in establishing appropriate qualitative and quantitative measures and teleworking goals; and

(3) consult with—

(A) the Federal Emergency Management Agency on policy and policy guidance for telework in the areas of continuation of operations and long-term emergencies; and

(B) the General Services Administration on policy and policy guidance for telework in the areas of telework centers, travel, technology, equipment, and dependent care.

(c) CONTINUITY OF OPERATIONS PLANS.—

(1) INCORPORATION INTO CONTINUITY OF OPERATIONS PLANS.—Each executive agency shall incorporate telework into the continuity of operations plan of that agency.

(2) CONTINUITY OF OPERATIONS PLANS SUPERSEDE TELEWORK POLICY.—During any period that an executive agency is operating under a continuity of operations plan, that plan shall supersede any telework policy.

(d) TELEWORK WEBSITE.—The Office of Personnel Management shall—

(1) maintain a central telework website; and

(2) include on that website related—

(A) telework links;

(B) announcements;

(C) guidance developed by the Office of Personnel Management; and

(D) guidance submitted by the Federal Emergency Management Agency, and the General Services Administration to the Office of Personnel Management not later than 10 business days after the date of submission.

#### SEC. 6. TELEWORK MANAGING OFFICER.

(a) IN GENERAL.—

(1) DESIGNATION.—The head of each executive agency shall designate an employee of the agency as the Telework Managing Officer. The Telework Managing Officer shall be established within the Office of the Chief Human Capital Officer or a comparable office with similar functions.

(2) TELEWORK COORDINATORS.—

(A) APPROPRIATIONS ACT, 2004.—Section 627 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 99) is amended by striking “designate a ‘Telework Coordinator’ to be” and inserting “designate a Telework Managing Officer to be”.

(B) APPROPRIATIONS ACT, 2005.—Section 622 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2919) is amended by striking “designate a ‘Telework Coordinator’ to be” and inserting “designate a Telework Managing Officer to be”.

(b) DUTIES.—The Telework Managing Officer shall—

(1) be devoted to policy development and implementation related to agency telework programs;

(2) serve as—

(A) an advisor for agency leadership, including the Chief Human Capital Officer;

(B) a resource for managers and employees;

(C) a primary agency point of contact for the Office of Personnel Management on telework matters; and

(3) perform other duties as the applicable delegating authority may assign.

#### SEC. 7. REPORTS.

(a) DEFINITION.—In this section, the term “executive agency” shall not include the Government Accountability Office.

(b) REPORTS BY THE OFFICE OF PERSONNEL MANAGEMENT.—

(1) SUBMISSION OF REPORTS.—Not later than 18 months after the date of enactment of this Act and on an annual basis thereafter, the Director of the Office of Personnel Management, in consultation with Chief Human Capital Officers Council, shall—

(A) submit a report addressing the telework programs of each executive agency to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Oversight and Government Reform of the House of Representatives; and

(B) transmit a copy of the report to the Comptroller General and the Office of Management and Budget.

(2) CONTENTS.—Each report submitted under this subsection shall include—

(A) the degree of participation by employees of each executive agency in teleworking during the period covered by the report, (and for each executive agency whose head is referred to under section 5312 of title 5, United States Code, the degree of participation in each bureau, division, or other major administrative unit of that agency), including—

(i) the total number of employees in the agency;

(ii) the number and percent of employees in the agency who are eligible to telework; and

(iii) the number and percent of eligible employees in the agency who are teleworking—

(I) 3 or more days per pay period;

(II) 1 or 2 days per pay period;

(III) once per month; and

(IV) on an occasional, episodic, or short-term basis;

(B) the method for gathering telework data in each agency;

(C) if the total number of employees teleworking is 10 percent higher or lower than the previous year in any agency, the reasons for the positive or negative variation;

(D) the agency goal for increasing participation to the extent practicable or necessary for the next reporting period, as indicated by the percent of eligible employees teleworking in each frequency category described under subparagraph (A)(iii);

(E) an explanation of whether or not the agency met the goals for the last reporting period and, if not, what actions are being taken to identify and eliminate barriers to maximizing telework opportunities for the next reporting period;

(F) an assessment of the progress each agency has made in meeting agency participation rate goals during the reporting period, and other agency goals relating to telework, such as the impact of telework on—

(i) emergency readiness;

(ii) energy use;

(iii) recruitment and retention;

(iv) performance;

(v) productivity; and

(vi) employee attitudes and opinions regarding telework; and

(G) the best practices in agency telework programs.

(c) COMPTROLLER GENERAL REPORTS.—

(1) REPORT ON GOVERNMENT ACCOUNTABILITY OFFICE TELEWORK PROGRAM.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act and on an annual basis thereafter, the Comptroller General shall submit a report addressing the telework program of the Government Accountability Office to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Oversight and Government Reform of the House of Representatives.

(B) CONTENTS.—Each report submitted by the Comptroller General shall include the same information as required under subsection (b) applicable to the Government Accountability Office.

(2) REPORT TO CONGRESS ON OFFICE OF PERSONNEL MANAGEMENT REPORT.—Not later than 6 months after the submission of the first report to Congress required under subsection (b), the Comptroller General shall review that report required under subsection (b) and submit a report to Congress on the progress each executive agency has made towards the goals established under section 5(b)(2).

(d) CHIEF HUMAN CAPITAL OFFICER REPORTS.—

(1) IN GENERAL.—Each year the Chief Human Capital Officer of each executive agency, in consultation with the Telework Managing Officer of that agency, shall submit a report to the Chair and Vice Chair of the Chief Human Capital Officers Council on agency management efforts to promote telework.

(2) REVIEW AND INCLUSION OF RELEVANT INFORMATION.—The Chair and Vice Chair of the Chief Human Capital Officers Council shall—

(A) review the reports submitted under paragraph (1);

(B) include relevant information from the submitted reports in the annual report to Congress required under subsection (b); and

(C) use that relevant information for other purposes related to the strategic management of human capital.

**SEC. 8. AUTHORITY FOR TELEWORK TRAVEL EXPENSES TEST PROGRAMS.**

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, is amended by inserting after section 5710 the following:

**“§5711. Authority for telework travel expenses test programs**

“(a)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an employing agency may pay through the proper disbursing official any necessary travel expenses in lieu of any payment otherwise authorized or required under this subchapter for employees participating in a telework program. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

“(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

“(3) Under any test program, if an agency employee voluntarily relocates from the pre-existing duty station of that employee, the Administrator may authorize the employing agency to establish a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by that agency.

“(4) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

“(b) The Administrator shall transmit a copy of any test program approved by the Administrator under this section, and the rationale for approval, to the appropriate committees of Congress at least 30 days before the effective date of the program.

“(c)(1) An agency authorized to conduct a test program under subsection (a) shall provide to the Administrator, the Telework Managing Officer of that agency, and the appropriate committees of Congress a report on the results of the program not later than 3 months after completion of the program.

“(2) The results in a report described under paragraph (1) may include—

“(A) the number of visits an employee makes to the pre-existing duty station of that employee;

“(B) the travel expenses paid by the agency;

“(C) the travel expenses paid by the employee; or

“(D) any other information the agency determines useful to aid the Administrator, Telework Managing Officer, and Congress in understanding the test program and the impact of the program.

“(d) No more than 10 test programs under this section may be conducted simultaneously.

“(e) The authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Telework Enhancement Act of 2009.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5710 the following:

“5711. Authority for telework travel expenses test programs.”.

Mr. VOINOVICH. Mr. President, I am pleased to join my good friend and partner on human capital issues, Senator DANIEL K. AKAKA, in introducing the Telework Enhancement Act of 2009.

One of my top priorities as a Senator has been to transform the culture of

the Federal workforce, something I conscientiously undertook with the city and State workforces as Mayor of Cleveland and Governor of Ohio. I know that investing in our workforce pays off.

We have an aging workforce that has difficulty attracting young people to public service careers. The image of the public sector can be bureaucratic—an impression that too often discourages young, creative college graduates. We must be able to recruit the best candidates, provide training and professional development opportunities, and reward good performance.

To compete as an employer of choice in the fast-paced 21st century knowledge economy and improve our competitiveness, we need to create an environment that supports those with the desire and commitment to serve. Just as other aspects of their lives have been informed by technology, we need to acknowledge that this next generation will have different expectations of what it means to go to work. The growth of Web 2.0 hand held devices makes it far more likely that working anytime from most anywhere will be the new norm.

As I stated in my 2000 report to the President on the Crisis in Human Capital, Federal agencies should enable as many employees as possible to telecommute or participate in other types of flexible workplace programs. Not only would this make Federal service more attractive to many employees, especially parents of young children, it has the potential to reduce traffic congestion and pollution in large metropolitan areas. According to the Telework Exchange, the average round trip commute is 50 miles, and commuters spend an average of 264 hours per year commuting. Looking at the Federal Government, if all Federal employees who are eligible to telework full time were to do so, the Federal workforce could realize \$13.9 billion savings in commuting costs annually and eliminate 21.5 billion pounds of pollutants out of the environment each year. Though more difficult to quantify, but equally important, is the improved work/life balance which has a positive effect on employee morale. An additional reason that was made plain on September 11, 2001, is the need for a workforce that can be dispersed and decentralized so that essential functions can continue during an emergency.

The legislation we introduce today helps ensure that executive agencies better integrate telework into their human capital planning, establishes a level playing field for employees who voluntarily elect to telework, and improves program accountability.

According to the most recent OPM survey on Federal human capital, only 22 percent of employees when asked about work/life and family friendly benefits said that they were satisfied with current telework/telecommuting opportunities. Another 37 percent responded that they had no basis to

judge. Even though teleworking has increased since OPM began reporting in 2001, participation is far short of what it should be and what the Federal workforce needs if our government is to remain an employer of choice. While most Federal agencies have made progress, the overall number of teleworkers decreased by approximately 15,000 employees between 2006 and 2007, according to the Office of Personnel Management. In addition, less than 8 percent of eligible Federal employees telework regularly.

I urge my colleagues to join Senator AKAKA and me in ensuring the Federal Government better integrates telework into its operational plans.

By Mr. AKAKA (for himself, Mr. INOUE, Ms. MURKOWSKI, and Mr. BEGICH):

S 708. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government, and for other purposes; to the Committee on Indian Affairs.

Mr. AKAKA. Mr. President, today I, along with members of the Hawaii Congressional Delegation, introduce a modified version of the Native Hawaiian Government Reorganization Act of 2009. In order to address concerns that have been raised, a new section prohibiting gaming has been included. With the exception of this one section, the resulting Senate bill and House bill preserve the language of S. 381 and H.R. 862, respectively; that were previously introduced on February 4, 2009. The legislation we introduce today is the legislation we will seek to move forward with toward enactment.

I am not a proponent of gaming. Our legislation would not legalize gaming by Native Hawaiians or the Native Hawaiian government in the State of Hawaii, any other state, or the territories. I reiterate to my colleagues, as well as the people of this Nation that all forms of gambling are illegal in Hawaii and the Native Hawaiian government will be subject to all State and Federal laws. The legislation we introduce today with this added gaming prohibition provision simply clarifies our intent.

Let me be clear for the record and for my colleagues that this bill is not about gaming. Rather it is about providing Federal recognition to Native Hawaiians so they may have the opportunity to enjoy the same government-to-government relationship with the U.S. provided to Alaska Natives and American Indians. The indigenous people of Hawaii, Native Hawaiians, have not been extended the Federal policy of self-governance and self-determination. The legislation provides parity and authorizes a process to federally recognize Native Hawaiians. The legislation is consistent with Federal law and maintains efforts by the U.S. Government and State of Hawaii to address

the unique needs of Native Hawaiians and empower them to perpetuate their culture, language, and traditions.

The United States has committed itself to a process of reconciliation with the indigenous people of Hawaii. Recognizing and upholding this U.S. responsibility for Native Hawaiians, the legislation allows us to take the next necessary step in the reconciliation process. The legislation does three things. First, it authorizes an Office within the Department of Interior to serve as a liaison between Native Hawaiians and the U.S. Second, it forms an Interagency Task Force cochaired by the Departments of Interior and Justice and comprised of officials from Federal agencies administering programs and services impacting Native Hawaiians. Third, it authorizes the process for the reorganization of a Native Hawaiian government for the purposes of a federally recognized government-to-government relationship. Once the Native Hawaiian government is recognized, the bill establishes an inclusive democratic negotiations process representing both Native Hawaiians and non-Native Hawaiians. There are many checks and balances in this process and any agreements reached during the negotiations process will require implementing legislation at the State and Federal levels.

This legislation will go a long way to address issues present in my home State. It is clear there are longstanding and unresolved issues resulting from the 1893 U.S. overthrow of the kingdom of Hawaii. Progress to address these issues have been limited as there has been no government-to-government relationship to facilitate discussions or implement agreements. However, with the structured process in the bill the people of Hawaii will be empowered to come together, resolve these issues, and move proudly forward together as a State.

The bill remains the product of the dedicated and mindful work of the five working groups that drafted the original bill that passed the U.S. House of Representatives in 2000. Individuals from the Native Hawaiian community, elected officials from the State of Hawaii, representatives from Federal agencies, Members of Congress, as well as leaders from Indian country and experts in constitutional law contributed to this bill. These working groups ensured that all parties that had expertise and would work to implement the bill had an opportunity to participate in the drafting process.

Over the last 9 years there has been significant public input and congressional oversight. This bill benefits from the input received during the nine congressional hearings, including six joint House Natural Resources Committee and Senate Indian Affairs Committee hearings, five of which were held in Hawaii. The bill introduced today provides a constitutionally sound foundation for us to build upon. I encourage my colleagues to join Sen-

ator INOUE and me in enacting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 708

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States.

(2) Native Hawaiians, the native people of the Hawaiian archipelago which is now part of the United States, are indigenous, native people of the United States.

(3) The United States has a special trust relationship to promote the welfare of the native people of the United States, including Native Hawaiians.

(4) Under the treaty making power of the United States, Congress exercised its constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

(5) Pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside 203,500 acres of land in the Federal territory that later became the State of Hawaii to address the conditions of Native Hawaiians.

(6) By setting aside 203,500 acres of land for Native Hawaiian homesteads and farms, the Act assists the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii.

(7) Approximately 6,800 Native Hawaiian lessees and their family members reside on Hawaiian Home Lands and approximately 18,000 Native Hawaiians who are eligible to reside on the Home Lands are on a waiting list to receive assignments of land.

(8) In 1959, as part of the compact admitting Hawaii into the United States, Congress established the Ceded Lands Trust for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians. Such trust consists of approximately 1,800,000 acres of land, submerged lands, and the revenues derived from such lands, the assets of which have never been completely inventoried or segregated.

(9) Throughout the years, Native Hawaiians have repeatedly sought access to the Ceded Lands Trust and its resources and revenues in order to establish and maintain native settlements and distinct native communities throughout the State.

(10) The Hawaiian Home Lands and the Ceded Lands provide an important foundation for the ability of the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the survival of the Native Hawaiian people.

(11) Native Hawaiians have maintained other distinctly native areas in Hawaii.

(12) On November 23, 1993, Public Law 103-150 (107 Stat. 1510) (commonly known as the Apology Resolution) was enacted into law, extending an apology on behalf of the United States to the Native people of Hawaii for the United States role in the overthrow of the Kingdom of Hawaii.

(13) The Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people over their national lands to the United States, either through their monarchy or through a plebiscite or referendum.

(14) The Apology Resolution expresses the commitment of Congress and the President to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii and to support reconciliation efforts between the United States and Native Hawaiians; and to have Congress and the President, through the President's designated officials, consult with Native Hawaiians on the reconciliation process as called for under the Apology Resolution.

(15) Despite the overthrow of the Hawaiian government, Native Hawaiians have continued to maintain their separate identity as a distinct native community through the formation of cultural, social, and political institutions, and to give expression to their rights as native people to self-determination and self-governance as evidenced through their participation in the Office of Hawaiian Affairs.

(16) Native Hawaiians also maintain a distinct Native Hawaiian community through the provision of governmental services to Native Hawaiians, including the provision of health care services, educational programs, employment and training programs, children's services, conservation programs, fish and wildlife protection, agricultural programs, native language immersion programs and native language immersion schools from kindergarten through high school, as well as college and master's degree programs in native language immersion instruction, and traditional justice programs, and by continuing their efforts to enhance Native Hawaiian self-determination and local control.

(17) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources.

(18) The Native Hawaiian people wish to preserve, develop, and transmit to future Native Hawaiian generations their ancestral lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, and to achieve greater self-determination over their own affairs.

(19) This Act provides for a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct aboriginal, indigenous, native community to reorganize a Native Hawaiian government for the purpose of giving expression to their rights as native people to self-determination and self-governance.

(20) The United States has declared that—

(A) the United States has a special responsibility for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) Congress has identified Native Hawaiians as a distinct indigenous group within the scope of its Indian affairs power, and has enacted dozens of statutes on their behalf pursuant to its recognized trust responsibility; and

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii.

(21) The United States has recognized and reaffirmed the special trust relationship with the Native Hawaiian people through—

(A) the enactment of the Act entitled “An Act to provide for the admission of the State of Hawaii into the Union”, approved March 18, 1959 (Public Law 86-3; 73 Stat. 4) by—

(i) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust for 5 purposes, one of which is for the betterment of the conditions of Native Hawaiians; and

(ii) transferring the United States responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42) that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act.

(22) The United States continually has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the aboriginal, native people of a once sovereign nation with whom the United States has a political and legal relationship; and

(D) the special trust relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States.

## SEC. 2. DEFINITIONS.

In this Act:

(1) **ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.**—The term “aboriginal, indigenous, native people” means those people whom Congress has recognized as the original inhabitants of the lands and who exercised sovereignty prior to European contact in the areas that later became part of the United States.

(2) **ADULT MEMBERS.**—The term “adult members” means those Native Hawaiians who have attained the age of 18 at the time the Secretary publishes the final roll, as provided in section 7(a)(3) of this Act.

(3) **APOLOGY RESOLUTION.**—The term “Apology Resolution” means Public Law 103-150 (107 Stat. 1510), a joint resolution offering an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893 overthrow of the Kingdom of Hawaii.

(4) **CEDED LANDS.**—The term “ceded lands” means those lands which were ceded to the United States by the Republic of Hawaii under the Joint Resolution to provide for annexing the Hawaiian Islands to the United States of July 7, 1898 (30 Stat. 750), and which were later transferred to the State of Hawaii in the Act entitled “An Act to provide for the admission of the State of Hawaii into the Union” approved March 18, 1959 (Public Law 86-3; 73 Stat. 4).

(5) **COMMISSION.**—The term “Commission” means the commission established in section 7 of this Act to certify that the adult members of the Native Hawaiian community contained on the roll developed under that section meet the definition of Native Hawaiian, as defined in paragraph (7)(A).

(6) **INDIGENOUS, NATIVE PEOPLE.**—The term “indigenous, native people” means the lineal

descendants of the aboriginal, indigenous, native people of the United States.

(7) **NATIVE HAWAIIAN.**—

(A) Prior to the recognition by the United States of a Native Hawaiian government under the authority of section 7(d)(2) of this Act, the term “Native Hawaiian” means the indigenous, native people of Hawaii who are the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on or before January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii, and includes all Native Hawaiians who were eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) and their lineal descendants.

(B) Following the recognition by the United States of the Native Hawaiian government under section 7(d)(2) of this Act, the term “Native Hawaiian” shall have the meaning given to such term in the organic governing documents of the Native Hawaiian government.

(8) **NATIVE HAWAIIAN GOVERNMENT.**—The term “Native Hawaiian government” means the citizens of the government of the Native Hawaiian people that is recognized by the United States under the authority of section 7(d)(2) of this Act.

(9) **NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.**—The term “Native Hawaiian Interim Governing Council” means the interim governing council that is organized under section 7(c) of this Act.

(10) **ROLL.**—The term “roll” means the roll that is developed under the authority of section 7(a) of this Act.

(11) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(12) **TASK FORCE.**—The term “Task Force” means the Native Hawaiian Interagency Task Force established under the authority of section 6 of this Act.

## SEC. 3. UNITED STATES POLICY AND PURPOSE.

(a) **POLICY.**—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct aboriginal, indigenous, native people, with whom the United States has a political and legal relationship;

(2) the United States has a special trust relationship to promote the welfare of Native Hawaiians;

(3) Congress possesses the authority under the Constitution to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(A) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(B) the Act entitled “An Act to provide for the admission of the State of Hawaii into the Union”, approved March 18, 1959 (Public Law 86-3; 73 Stat. 4); and

(C) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance;

(C) the right to reorganize a Native Hawaiian government; and

(D) the right to become economically self-sufficient; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) **PURPOSE.**—It is the intent of Congress that the purpose of this Act is to provide a process for the reorganization of a Native Hawaiian government and for the recognition by the United States of the Native Ha-

waiian government for purposes of continuing a government-to-government relationship.

## SEC. 4. ESTABLISHMENT OF THE UNITED STATES OFFICE FOR NATIVE HAWAIIAN AFFAIRS.

(a) **IN GENERAL.**—There is established within the Office of the Secretary the United States Office for Native Hawaiian Affairs.

(b) **DUTIES OF THE OFFICE.**—The United States Office for Native Hawaiian Affairs shall—

(1) effectuate and coordinate the special trust relationship between the Native Hawaiian people and the United States through the Secretary, and with all other Federal agencies;

(2) upon the recognition of the Native Hawaiian government by the United States as provided for in section 7(d)(2) of this Act, effectuate and coordinate the special trust relationship between the Native Hawaiian government and the United States through the Secretary, and with all other Federal agencies;

(3) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian people by providing timely notice to, and consulting with the Native Hawaiian people prior to taking any actions that may affect traditional or current Native Hawaiian practices and matters that may have the potential to significantly or uniquely affect Native Hawaiian resources, rights, or lands, and upon the recognition of the Native Hawaiian government as provided for in section 7(d)(2) of this Act, fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian government by providing timely notice to, and consulting with the Native Hawaiian people and the Native Hawaiian government prior to taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) consult with the Native Hawaiian Interagency Task Force, other Federal agencies, and with relevant agencies of the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands;

(5) be responsible for the preparation and submittal to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of an annual report detailing the activities of the Interagency Task Force established under section 6 of this Act that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian people and the Native Hawaiian government and providing recommendations for any necessary changes to existing Federal statutes or regulations promulgated under the authority of Federal law;

(6) be responsible for continuing the process of reconciliation with the Native Hawaiian people, and upon the recognition of the Native Hawaiian government by the United States as provided for in section 7(d)(2) of this Act, be responsible for continuing the process of reconciliation with the Native Hawaiian government; and

(7) assist the Native Hawaiian people in facilitating a process for self-determination, including but not limited to the provision of technical assistance in the development of the roll under section 7(a) of this Act, the organization of the Native Hawaiian Interim Governing Council as provided for in section 7(c) of this Act, and the recognition of the Native Hawaiian government as provided for in section 7(d) of this Act.

(c) **AUTHORITY.**—The United States Office for Native Hawaiian Affairs is authorized to enter into a contract with or make grants for the purposes of the activities authorized or addressed in section 7 of this Act for a period of 3 years from the date of enactment of this Act.

#### **SEC. 5. DESIGNATION OF DEPARTMENT OF JUSTICE REPRESENTATIVE.**

The Attorney General shall designate an appropriate official within the Department of Justice to assist the United States Office for Native Hawaiian Affairs in the implementation and protection of the rights of Native Hawaiians and their political, legal, and trust relationship with the United States, and upon the recognition of the Native Hawaiian government as provided for in section 7(d)(2) of this Act, in the implementation and protection of the rights of the Native Hawaiian government and its political, legal, and trust relationship with the United States.

#### **SEC. 6. NATIVE HAWAIIAN INTERAGENCY TASK FORCE.**

(a) **ESTABLISHMENT.**—There is established an interagency task force to be known as the “Native Hawaiian Interagency Task Force”.

(b) **COMPOSITION.**—The Task Force shall be composed of officials, to be designated by the President, from—

(1) each Federal agency that establishes or implements policies that affect Native Hawaiians or whose actions may significantly or uniquely impact on Native Hawaiian resources, rights, or lands;

(2) the United States Office for Native Hawaiian Affairs established under section 4 of this Act; and

(3) the Executive Office of the President.

(c) **LEAD AGENCIES.**—The Department of the Interior and the Department of Justice shall serve as the lead agencies of the Task Force, and meetings of the Task Force shall be convened at the request of either of the lead agencies.

(d) **CO-CHAIRS.**—The Task Force representative of the United States Office for Native Hawaiian Affairs established under the authority of section 4 of this Act and the Attorney General’s designee under the authority of section 5 of this Act shall serve as co-chairs of the Task Force.

(e) **DUTIES.**—The responsibilities of the Task Force shall be—

(1) the coordination of Federal policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government which may significantly or uniquely impact on Native Hawaiian resources, rights, or lands;

(2) to assure that each Federal agency develops a policy on consultation with the Native Hawaiian people, and upon recognition of the Native Hawaiian government by the United States as provided in section 7(d)(2) of this Act, consultation with the Native Hawaiian government; and

(3) to assure the participation of each Federal agency in the development of the report to Congress authorized in section 4(b)(5) of this Act.

#### **SEC. 7. PROCESS FOR THE DEVELOPMENT OF A ROLL FOR THE ORGANIZATION OF A NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL, FOR THE ORGANIZATION OF A NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL AND A NATIVE HAWAIIAN GOVERNMENT, AND FOR THE RECOGNITION OF THE NATIVE HAWAIIAN GOVERNMENT.**

(a) **ROLL.**—

(1) **PREPARATION OF ROLL.**—The United States Office for Native Hawaiian Affairs shall assist the adult members of the Native Hawaiian community who wish to participate in the reorganization of a Native Hawaiian government in preparing a roll for the

purpose of the organization of a Native Hawaiian Interim Governing Council. The roll shall include the names of the—

(A) adult members of the Native Hawaiian community who wish to become citizens of a Native Hawaiian government and who are—

(i) the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on or before January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago; or

(ii) Native Hawaiians who were eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) or their lineal descendants; and

(B) the children of the adult members listed on the roll prepared under this subsection.

(2) **CERTIFICATION AND SUBMISSION.**—

(A) **COMMISSION.**—

(i) **IN GENERAL.**—There is authorized to be established a Commission to be composed of 9 members for the purpose of certifying that the adult members of the Native Hawaiian community on the roll meet the definition of Native Hawaiian, as defined in section 2(7)(A) of this Act.

(ii) **MEMBERSHIP.**—

(I) **APPOINTMENT.**—The Secretary shall appoint the members of the Commission in accordance with subclause (II). Any vacancy on the Commission shall not affect its powers and shall be filled in the same manner as the original appointment.

(II) **REQUIREMENTS.**—The members of the Commission shall be Native Hawaiian, as defined in section 2(7)(A) of this Act, and shall have expertise in the certification of Native Hawaiian ancestry.

(III) **CONGRESSIONAL SUBMISSION OF SUGGESTED CANDIDATES.**—In appointing members of the Commission, the Secretary may choose such members from among—

(aa) five suggested candidates submitted by the Majority Leader of the Senate and the Minority Leader of the Senate from a list of candidates provided to such leaders by the Chairman and Vice Chairman of the Committee on Indian Affairs of the Senate; and

(bb) four suggested candidates submitted by the Speaker of the House of Representatives and the Minority Leader of the House of Representatives from a list provided to the Speaker and the Minority Leader by the Chairman and Ranking member of the Committee on Resources of the House of Representatives.

(iii) **EXPENSES.**—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(B) **CERTIFICATION.**—The Commission shall certify that the individuals listed on the roll developed under the authority of this subsection are Native Hawaiians, as defined in section 2(7)(A) of this Act.

(3) **SECRETARY.**—

(A) **CERTIFICATION.**—The Secretary shall review the Commission’s certification of the membership roll and determine whether it is consistent with applicable Federal law, including the special trust relationship between the United States and the indigenous, native people of the United States.

(B) **PUBLICATION.**—Upon making the determination authorized in subparagraph (A), the Secretary shall publish a final roll.

(C) **APPEAL.**—

(i) **ESTABLISHMENT OF MECHANISM.**—The Secretary is authorized to establish a mechanism for an appeal of the Commission’s determination as it concerns—

(I) the exclusion of the name of a person who meets the definition of Native Hawaiian,

as defined in section 2(7)(A) of this Act, from the roll; or

(II) a challenge to the inclusion of the name of a person on the roll on the grounds that the person does not meet the definition of Native Hawaiian, as so defined.

(ii) **PUBLICATION; UPDATE.**—The Secretary shall publish the final roll while appeals are pending, and shall update the final roll and the publication of the final roll upon the final disposition of any appeal.

(D) **FAILURE TO ACT.**—If the Secretary fails to make the certification authorized in subparagraph (A) within 90 days of the date that the Commission submits the membership roll to the Secretary, the certification shall be deemed to have been made, and the Commission shall publish the final roll.

(4) **EFFECT OF PUBLICATION.**—The publication of the final roll shall serve as the basis for the eligibility of adult members listed on the roll to participate in all referenda and elections associated with the organization of a Native Hawaiian Interim Governing Council and the Native Hawaiian government.

(b) **RECOGNITION OF RIGHTS.**—The right of the Native Hawaiian people to organize for their common welfare and to adopt appropriate organic governing documents is hereby recognized by the United States.

(c) **ORGANIZATION OF THE NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.**—

(1) **ORGANIZATION.**—The adult members listed on the roll developed under the authority of subsection (a) are authorized to—

(A) develop criteria for candidates to be elected to serve on the Native Hawaiian Interim Governing Council;

(B) determine the structure of the Native Hawaiian Interim Governing Council; and

(C) elect members to the Native Hawaiian Interim Governing Council.

(2) **ELECTION.**—Upon the request of the adult members listed on the roll developed under the authority of subsection (a), the United States Office for Native Hawaiian Affairs may assist the Native Hawaiian community in holding an election by secret ballot (absentee and mail balloting permitted), to elect the membership of the Native Hawaiian Interim Governing Council.

(3) **POWERS.**—

(A) **IN GENERAL.**—The Native Hawaiian Interim Governing Council is authorized to represent those on the roll in the implementation of this Act and shall have no powers other than those given to it in accordance with this Act.

(B) **FUNDING.**—The Native Hawaiian Interim Governing Council is authorized to enter into a contract or grant with any Federal agency, including but not limited to, the United States Office for Native Hawaiian Affairs within the Department of the Interior and the Administration for Native Americans within the Department of Health and Human Services, to carry out the activities set forth in subparagraph (C).

(C) **ACTIVITIES.**—

(i) **IN GENERAL.**—The Native Hawaiian Interim Governing Council is authorized to conduct a referendum of the adult members listed on the roll developed under the authority of subsection (a) for the purpose of determining (but not limited to) the following:

(I) The proposed elements of the organic governing documents of a Native Hawaiian government.

(II) The proposed powers and authorities to be exercised by a Native Hawaiian government, as well as the proposed privileges and immunities of a Native Hawaiian government.

(III) The proposed civil rights and protection of such rights of the citizens of a Native Hawaiian government and all persons subject



to the authority of a Native Hawaiian government.

(ii) **DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.**—Based upon the referendum, the Native Hawaiian Interim Governing Council is authorized to develop proposed organic governing documents for a Native Hawaiian government.

(iii) **DISTRIBUTION.**—The Native Hawaiian Interim Governing Council is authorized to distribute to all adult members of those listed on the roll, a copy of the proposed organic governing documents, as drafted by the Native Hawaiian Interim Governing Council, along with a brief impartial description of the proposed organic governing documents.

(iv) **CONSULTATION.**—The Native Hawaiian Interim Governing Council is authorized to freely consult with those members listed on the roll concerning the text and description of the proposed organic governing documents.

(D) **ELECTIONS.**—

(i) **IN GENERAL.**—The Native Hawaiian Interim Governing Council is authorized to hold elections for the purpose of ratifying the proposed organic governing documents, and upon ratification of the organic governing documents, to hold elections for the officers of the Native Hawaiian government.

(ii) **ASSISTANCE.**—Upon the request of the Native Hawaiian Interim Governing Council, the United States Office of Native Hawaiian Affairs may assist the Council in conducting such elections.

(4) **TERMINATION.**—The Native Hawaiian Interim Governing Council shall have no power or authority under this Act after the time at which the duly elected officers of the Native Hawaiian government take office.

(d) **RECOGNITION OF THE NATIVE HAWAIIAN GOVERNMENT.**—

(1) **PROCESS FOR RECOGNITION.**—

(A) **SUBMITTAL OF ORGANIC GOVERNING DOCUMENTS.**—The duly elected officers of the Native Hawaiian government shall submit the organic governing documents of the Native Hawaiian government to the Secretary.

(B) **CERTIFICATIONS.**—Within 90 days of the date that the duly elected officers of the Native Hawaiian government submit the organic governing documents to the Secretary, the Secretary shall certify that the organic governing documents—

(i) were adopted by a majority vote of the adult members listed on the roll prepared under the authority of subsection (a);

(ii) are consistent with applicable Federal law and the special trust relationship between the United States and the indigenous native people of the United States;

(iii) provide for the exercise of those governmental authorities that are recognized by the United States as the powers and authorities that are exercised by other governments representing the indigenous, native people of the United States;

(iv) provide for the protection of the civil rights of the citizens of the Native Hawaiian government and all persons subject to the authority of the Native Hawaiian government, and to assure that the Native Hawaiian government exercises its authority consistent with the requirements of section 202 of the Act of April 11, 1968 (25 U.S.C. 1302);

(v) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian government without the consent of the Native Hawaiian government;

(vi) establish the criteria for citizenship in the Native Hawaiian government; and

(vii) provide authority for the Native Hawaiian government to negotiate with Federal, State, and local governments, and other entities.

(C) **FAILURE TO ACT.**—If the Secretary fails to act within 90 days of the date that the

duly elected officers of the Native Hawaiian government submitted the organic governing documents of the Native Hawaiian government to the Secretary, the certifications authorized in subparagraph (B) shall be deemed to have been made.

(D) **RESUBMISSION IN CASE OF NONCOMPLIANCE WITH FEDERAL LAW.**—

(i) **RESUBMISSION BY THE SECRETARY.**—If the Secretary determines that the organic governing documents, or any part thereof, are not consistent with applicable Federal law, the Secretary shall resubmit the organic governing documents to the duly elected officers of the Native Hawaiian government along with a justification for each of the Secretary's findings as to why the provisions are not consistent with such law.

(ii) **AMENDMENT AND RESUBMISSION BY THE NATIVE HAWAIIAN GOVERNMENT.**—If the organic governing documents are resubmitted to the duly elected officers of the Native Hawaiian government by the Secretary under clause (i), the duly elected officers of the Native Hawaiian government shall—

(I) amend the organic governing documents to ensure that the documents comply with applicable Federal law; and

(II) resubmit the amended organic governing documents to the Secretary for certification in accordance with subparagraphs (B) and (C).

(2) **FEDERAL RECOGNITION.**—

(A) **RECOGNITION.**—Notwithstanding any other provision of law, upon the election of the officers of the Native Hawaiian government and the certifications (or deemed certifications) by the Secretary authorized in paragraph (1), Federal recognition is hereby extended to the Native Hawaiian government as the representative governing body of the Native Hawaiian people.

(B) **NO DIMINISHMENT OF RIGHTS OR PRIVILEGES.**—Nothing contained in this Act shall diminish, alter, or amend any existing rights or privileges enjoyed by the Native Hawaiian people which are not inconsistent with the provisions of this Act.

**SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated such sums as may be necessary to carry out the activities authorized in this Act.

**SEC. 9. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY; NEGOTIATIONS.**

(a) **REAFFIRMATION.**—The delegation by the United States of authority to the State of Hawaii to address the conditions of Native Hawaiians contained in the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union" approved March 18, 1959 (Public Law 86-3; 73 Stat. 5) is hereby reaffirmed.

(b) **NEGOTIATIONS.**—Upon the Federal recognition of the Native Hawaiian government pursuant to section 7(d)(2) of this Act, the United States is authorized to negotiate and enter into an agreement with the State of Hawaii and the Native Hawaiian government regarding the transfer of lands, resources, and assets dedicated to Native Hawaiian use under existing law as in effect on the date of enactment of this Act to the Native Hawaiian government.

**SEC. 10. APPLICABILITY OF INDIAN GAMING REGULATORY ACT.**

(a) **PROHIBITION.**—The Native Hawaiian government and Native Hawaiians may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

(b) **APPLICABILITY.**—The foregoing prohibition in section 10(a) on the use of the Indian

Gaming Regulatory Act and inherent authority to game apply regardless of whether gaming by Native Hawaiians or the Native Hawaiian government would be located on land within the State of Hawaii or within any other State or territory of the United States.

**SEC. 11. DISCLAIMER.**

Nothing in this Act is intended to serve as a settlement of any claims against the United States, or to affect the rights of the Native Hawaiian people under international law.

**SEC. 12. REGULATIONS.**

The Secretary is authorized to make such rules and regulations and such delegations of authority as the Secretary deems necessary to carry out the provisions of this Act.

**SEC. 13. SEVERABILITY.**

In the event that any section or provision of this Act, or any amendment made by this Act is held invalid, it is the intent of Congress that the remaining sections or provisions of this Act, and the amendments made by this Act, shall continue in full force and effect.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 709. A bill to better provide for compensation for certain persons injured in the course of employment at the Santa Susana Field Laboratory in California; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise today on behalf of myself and Senator BOXER to reintroduce legislation to enable hundreds of former Santa Susana Field Laboratory Workers or their survivors to receive compensation for illnesses caused by exposure to radiation and other toxic substances.

Specifically, the Santa Susana Fair Compensation Act would provide a special status designation under the Energy Employees Occupational Illness Compensation Act to Santa Susana Field Laboratory employees, so they can receive the benefits they deserve.

In addition, the bill would extend the "special exposure cohort" status to Department of Energy employees, Department of Energy contract employees, or atomic weapons employees who worked at the Santa Susana Field Laboratory for at least 250 days prior to January 1, 2009.

This revision would ensure that the Act's benefits are available to any of those workers who developed a radiation-linked cancer due to their employment at the Santa Susana Field Laboratory.

This bill fulfills the intent of Congress when it approved the act, providing compensation and care for nuclear program workers who suffered severe health problems caused by on-the-job exposure to radiation.

The Santa Susana Field Laboratory is a 2,849-acre facility located about 30 miles north of downtown Los Angeles.

During the Cold War, it was used for the development and testing of nuclear reactors and powerful rockets, including those used in America's space and ballistic missile programs.

Sadly, many workers of the Cold War era were exposed to radiation on a regular basis. But claims for compensation are hampered by incomplete and inaccurate records.

Some records show only estimated levels of exposure for workers, and are imprecise. In other cases, if records were kept, they cannot be found today.

Many Santa Susana Field Laboratory workers were not aware of the hazards at their workplace. Remarkably, no protective equipment—like respirators, gloves, or body suits—was provided to workers.

More than 600 claims for compensation have been filed by Santa Susana Field Lab workers, but only a small fraction have been approved. A lack of documentation, or inability to prove exposure thresholds, has hindered hundreds of claims that may well be legitimate. And, for some lab workers and their families, it is impossible to reconstruct exposure scenarios due to records having been destroyed.

Santa Susana Field Lab workers and their families now face the burden of having to reconstruct exposure scenarios that existed more than 40 years ago, in most cases with little or no documentation.

The case of my constituent, Betty Reo, provides an example of why this legislation is necessary.

Ms. Reo's husband, Cosmo Reo, worked at the Santa Susana Field Laboratory as an instrumentation mechanic from April 18, 1957 until May 17, 1960.

Cosmo worked in the rocket testing pits and was exposed to hydrazine, trichloroethylene, and other cancer-causing chemicals which attack the lungs, bladder and kidneys.

Cosmo died of renal failure in 1980. Ms. Reo applied for benefits under the Energy Employees Occupational Illness Compensation Act. She has been trying to reconstruct the exposure scenarios under which her husband worked, but without adequate documentation she has been repeatedly denied benefits.

This bill would help people like Betty Reo, people who lack the documentation necessary to prove their cases, and those who worked in any of the four areas of the Santa Susana site.

I urge my colleagues to join me in correcting these injustices and cutting through the "red tape" that prevents Santa Susana Field Laboratory workers, and their families, from receiving fair compensation.

For many, such as Ms. Reo, time is running out. We can no longer afford to delay, and this bill provides a straightforward solution to fix a broken system.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 709

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Santa Susana Fair Compensation Act".

#### SEC. 2. DEFINITION OF MEMBER OF SPECIAL EXPOSURE COHORT.

(a) IN GENERAL.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l(14)) is amended by adding at the end the following new subparagraph:

"(D) The employee was so employed for a number of work days aggregating at least 250 work days before January 1, 2009, by the Department of Energy or a Department of Energy contractor or subcontractor at the Santa Susana Field Laboratory in California."

(b) REAPPLICATION.—A claim that an individual qualifies, by reason of section 3621(14)(D) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (as added by subsection (a)), for compensation or benefits under such Act shall be considered for compensation or benefits notwithstanding any denial of any other claim for compensation with respect to such individual.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 85—CONGRATULATING THE ROCKY MOUNTAIN COLLEGE BATTLIN' BEARS FOR WINNING THE 2009 NATIONAL ASSOCIATION OF INTERCOLLEGIATE ATHLETICS MEN'S BASKETBALL NATIONAL CHAMPIONSHIP

Mr. TESTER (for himself and Mr. BAUCUS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 85

Whereas, on March 24, 2009, the Rocky Mountain College Battlin' Bears won the 2009 National Association of Intercollegiate Athletics Men's Basketball National Championship title with a stunning 77-61 triumph over the Columbia College Cougars;

Whereas Rocky Mountain College, located in Billings, Montana, is one of the premier liberal arts schools in the State of Montana;

Whereas Rocky Mountain College forward Devin Uskoski was named the Most Valuable Player of the National Association of Intercollegiate Athletics men's basketball tournament;

Whereas Devin Uskoski averaged 17.4 points per game and 11 rebounds per game throughout his senior season;

Whereas the Battlin' Bears finished the 2009 season with a record of 30-8 and won 10 of their final 11 games;

Whereas Rocky Mountain College fans across Montana supported and encouraged the Battlin' Bears throughout the basketball season;

Whereas Rocky Mountain College President Michael R. Mace and Athletic Director Robert Beers have shown great leadership in bringing academic and athletic success to Rocky Mountain College; and

Whereas the people of the State of Montana celebrate the success and share the pride of Rocky Mountain College: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Rocky Mountain College Battlin' Bears for winning the 2009 National Association of Intercollegiate Athletics Men's Basketball National Championship;

(2) recognizes the achievements of the players, coaches, students, and staff whose

hard work and dedication helped the Rocky Mountain College Battlin' Bears win the championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to—

(A) the President of Rocky Mountain College, Michael R. Mace;

(B) the Athletic Director of Rocky Mountain College, Robert Beers; and

(C) the Head Coach of the Rocky Mountain College basketball team, Bill Dreikosen.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 701. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table.

SA 702. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 703. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 704. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 705. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 706. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 692 submitted by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 707. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 708. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 709. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 710. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 711. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 712. Mrs. SHAHEEN (for herself and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra.

SA 713. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 714. Mr. WARNER (for himself and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 715. Mr. ENSIGN proposed an amendment to amendment SA 692 submitted by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra.

SA 716. Mr. THUNE proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra.

SA 717. Ms. LANDRIEU proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra.

SA 718. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 719. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 720. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1388, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 701.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 5, before line 1 and after the item relating to section 6101, insert the following:  
**SEC. 2. SENSE OF THE SENATE.**

(a) FINDINGS.—The Senate finds the following:

(1) Total private giving increased to \$306,000,000,000 in 2007, equal to 2.2 percent of the gross domestic product of the United States.

(2) Total private giving has more than doubled in a 10-year period, and individual giving reached \$229,000,000,000 in 2007.

(3) The people of the United States donate 3½ times as much, per capita, as the people of any other developed nation.

(4) There are nearly 1,400,000 charitable organizations in the United States, and approximately 355,000 religious congregations.

(5) Nonprofit organizations, including public charities and private foundations, account for approximately 8 percent of the wages and salaries paid in the United States.

(6) The nonprofit sector employs more than 10,000,000 people, and 7 percent of the people of the United States are paid employees of nonprofit organizations.

(7) A proposed cut to charitable tax deductions for wealthy taxpayers may result in a 10 percent drop in charitable giving by wealthy individuals that is equal to \$6,000,000,000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) all citizens of the United States should continue in the selfless generosity and noble spirit of charitable giving;

(2) Congress should support measures that incentivize charitable giving by wealthy Americans to nonprofit organizations, public charities, private foundations, and religious congregations; and

(3) Federal tax law should encourage, and not punish, charitable donations by all peo-

ple of the United States, regardless of income.

**SA 702.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 213, after line 21, insert the following:

#### **SEC. 1613. LIMITING BURDENS ON THE BUREAU OF THE CENSUS.**

Notwithstanding section 179A of the National and Community Service Act of 1990 (as added by section 1608), the Director of the Bureau of the Census shall be prohibited from providing technical advice to the Corporation, collecting, reporting or supplying data to the Corporation, or carrying out any other activity described in such section 179A, until such time as the Comptroller General of the United States—

(1) determines that the 2010 Census is no longer a high-risk area with respect to addressing challenges in broad-based transformation; and

(2) removes the 2010 Census from the Government Accountability Office's high-risk list.

**SA 703.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

#### **TITLE VII—MILLIONAIRE EXEMPTION**

##### **SEC. 701. EXEMPTION FOR MILLIONAIRES.**

(a) IN GENERAL.—Notwithstanding any other provision of this Act or any provision of the national service laws (as defined in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511)), no wealthy individual who participates in a program under this Act or any of such national service laws may receive stipend, living allowance, education award, or other compensation by virtue of such participation.

(b) WEALTHY INDIVIDUAL.—In this section, the term “wealthy individual” means an individual who is from a family with a taxable annual income of more than \$1,000,000.

**SA 704.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

Beginning on page 61, strike line 7 and all that follows through page 62, line 25 and insert the following:

(2) by striking subsection (b) and inserting the following:

“(b) PROHIBITION ON NATIONAL SERVICE PROGRAMS RUN BY FEDERAL AGENCIES.—Notwithstanding any other provision of law, no Federal funds (including funds authorized for financial assistance or for educational awards for participants in approved national service positions) shall be available for national service programs run by Federal agencies under this subtitle.”.

**SA 705.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1388, to reauthorize

and reform the national service laws; which was ordered to lie on the table; as follows:

On page 128, strike line 6 and insert the following:

“(c) INELIGIBLE ORGANIZATIONS.—

“(1) IN GENERAL.—No assistance provided under this subtitle may be provided (including for the participation under this subtitle of a participant in an approved national service position in activities conducted by such an organization) to—

“(A) an organization described in paragraph (2); or

“(B) to an organization that is co-located on the same premises as an organization described in paragraph (2).

“(2) ORGANIZATIONS.—An organization referred to in paragraph (1) means—

“(A) the Association of Community Organizations for Reform Now (ACORN); or

“(B) an entity that is under the control of such Association, as demonstrated by—

“(i)(I) such Association directly owning or controlling, or holding with power to vote, 25 percent or more the voting shares of such other entity;

“(II) such other entity directly owning or controlling, or holding with power to vote, 25 percent or more of the voting shares of such Association; or

“(III) a third entity directly owning or controlling, or holding with power to vote, 25 percent or more of the voting shares of such Association and such other entity;

“(ii)(I) such Association controlling, in any manner, a majority of the board of directors of such other entity;

“(II) such other entity controlling, in any manner, a majority of the board of directors of such Association; or

“(III) a third entity controlling, in any manner, a majority of the board of directors of such Association and such other entity;

“(iii) individuals serving in a similar capacity as officers, executives, or staff of both such Association and such other entity;

“(iv) such Association and such other entity sharing office space, supplies, resources, or marketing materials, including communications through the Internet and other forms of public communication; or

“(v) such Association and such other entity exhibiting another indicia of control over, control by, or common control with, such other entity or such Association, respectively, as may be set forth in regulation by the Corporation.

“(d) NONDISPLACEMENT OF EMPLOYED WORKERS

**SA 706.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 692 submitted by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 2, line 20, insert before the period the following: “which shall include crisis pregnancy centers, organizations that serve battered women (including domestic violence shelters), and organizations that serve victims of rape or incest”.

**SA 707.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:  
**SEC. \_\_\_\_\_. SENSE OF THE SENATE REGARDING THE TAX DEDUCTION FOR CHARITABLE CONTRIBUTIONS.**

It is the sense of the Senate that the tax deduction for charitable contributions and gifts should not be changed in any way that would discourage taxpayers from making such contributions and gifts.

**SA 708.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

Strike line 11 on page 212 and all that follows through line 21 on page 213 and insert the following:

**“SEC. 189D. CRIMINAL HISTORY CHECKS.**

“(a) IN GENERAL.—Each entity selecting individuals to serve in a position in which the individuals receive a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws, shall, subject to regulations and requirements established by the Corporation, conduct criminal history checks for such individuals.

“(b) REQUIREMENTS.—A criminal history check under subsection (a) shall include—

“(1) a name-based search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); and

“(2) submitting fingerprints to the Federal Bureau of Investigation for a national criminal history check.

“(c) ELIGIBILITY PROHIBITION.—An individual shall be ineligible to serve in a position described under subsection (a) if such individual—

“(1) refuses to consent to the criminal history check described in subsection (b);

“(2) makes a false statement in connection with such criminal history check;

“(3) is registered, or is required to be registered, on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

“(4) has been convicted of a crime of violence, as defined in section 16 of title 18, United States Code.”.

**SA 709.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 128, strike line 6 and insert the following:

“(b) INELIGIBLE ORGANIZATIONS AND CO-LOCATED ORGANIZATIONS.—

“(1) IN GENERAL.—No assistance provided under this subtitle may be provided to an organization described in paragraph (2) (including for the participation under this subtitle of a participant in an approved national service position in activities conducted by such an organization) or to an organization that is co-located on the same premises as an organization described in paragraph (2).

“(2) ORGANIZATIONS.—The organization referred to in paragraph (1) is an organization that provides or promotes abortion services, including referral for such services.

“(c) NONDISPLACEMENT OF EMPLOYED WORKERS

**SA 710.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 128, strike line 6 and insert the following:

“(b) INELIGIBLE ORGANIZATIONS AND CO-LOCATED ORGANIZATIONS.—

“(1) IN GENERAL.—No assistance provided under this subtitle may be provided to an organization described in paragraph (2) (including for the participation under this subtitle of a participant in an approved national service position in activities conducted by such an organization) or to an organization that is co-located on the same premises as an organization described in paragraph (2).

“(2) ORGANIZATIONS.—The organization referred to in paragraph (1) is an organization that has been indicted for voter fraud.

“(c) NONDISPLACEMENT OF EMPLOYED WORKERS

**SA 711.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 128, strike line 6 and insert the following:

“(b) INELIGIBLE ORGANIZATIONS AND CO-LOCATED ORGANIZATIONS.—

“(1) IN GENERAL.—No assistance provided under this subtitle may be provided to an organization described in paragraph (2) (including for the participation under this subtitle of a participant in an approved national service position in activities conducted by such an organization) or to an organization that is co-located on the same premises as an organization described in paragraph (2).

“(2) ORGANIZATIONS.—The organization referred to in paragraph (1) is a for-profit organization, political party, labor organization, or organization engaged in political or legislative advocacy.

“(c) NONDISPLACEMENT OF EMPLOYED WORKERS

**SA 712.** Mrs. SHAHEEN (for herself and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; as follows:

In section 122 (a)(1)(B) of the National and Community Service Act of 1990, as amended by section 1302 of the bill, insert at the appropriate place the following:

“(\_\_\_\_) providing skilled musicians and artists to promote greater community unity through the use of music and arts education and engagement through work in low-income communities, and education, health care, and therapeutic settings, and other work in the public domain with citizens of all ages;”.

**SA 713.** Mr. WARNER submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

Subtitle H of title I is further amended by adding at the end the following:

**“PART \_\_\_\_—VOLUNTEER MANAGEMENT CORPS**

**“SEC. 198 \_\_\_\_ . VOLUNTEER MANAGEMENT CORPS.**

“(a) FINDINGS.—Congress finds the following:

“(1) Many managers seek opportunities to give back to their communities and address the Nation’s challenges.

“(2) Managers possess business and technical skills that make them especially suited to help nonprofit organizations and Federal, State, and local governmental agencies create efficiencies and cost savings, and develop programs to serve communities in need.

“(3) There are currently a large number of companies and firms that are seeking to identify savings through sabbatical opportunities for senior employees.

“(b) PURPOSE.—The purpose of this section is to create a Volunteer Management Corps for managers, in order to provide managers with meaningful pro bono opportunities—

“(1) to apply their business and technical expertise to nonprofit organizations and at the Federal, State, and local government levels; and

“(2) to address the Nation’s challenges.

“(c) PROGRAM ESTABLISHED.—

“(1) IN GENERAL.—The Corporation shall establish a Volunteer Management Corps program by assisting skilled managers with demonstrated management experience or expertise in finding meaningful volunteering opportunities to carry out activities, as described in subsection (d).

“(2) CORPORATION’S ROLE.—In carrying out the Volunteer Management Corps program, the Corporation may take steps to facilitate the process of connecting skilled managers with nonprofit organizations, and Federal, State, and local governmental agencies, in need of the manager’s skills, such as—

“(A) recruiting individuals with demonstrated management experience or expertise to volunteer as Volunteer Management Corps members;

“(B) developing relationships with nonprofit organizations and Federal, State, and local governmental agencies to assist Corps members in connecting with such organizations and agencies in need of the members’ services;

“(C) approving the volunteering opportunities selected by Corps members under subsection (d) as appropriate Volunteer Management Corps activities; and

“(D) publicizing opportunities for Corps members at nonprofit organizations and Federal, State, and local governmental agencies, or otherwise assisting Corps members in connecting with opportunities to carry out activities described in subsection (d).

“(d) CORPS MEMBERS.—

“(1) IN GENERAL.—A Volunteer Management Corps member shall select, subject to the Corporation’s approval, a nonprofit organization, or Federal, State, or local governmental agency, with which to volunteer and carry out a volunteering activity described in paragraph (2) with such organization or agency.

“(2) ACTIVITIES.—The activities carried out by Volunteer Management Corps members may include the following:

“(A) Developing and carrying out a community service project or program with a nonprofit organization, or Federal, State, or local governmental agency.

“(B) Assisting a nonprofit organization, or Federal, State, or local governmental agency, of the Corps member’s choice, in creating efficiencies and cost savings by using the Corps member’s expertise and skills.

“(C) Recruiting other individuals with demonstrated management experience or expertise into pro bono service opportunities with such organization or agency.”.

**SA 714.** Mr. WARNER (for himself and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 235, between lines 9 and 10, insert the following:

**SEC. 1713. VOLUNTEER MANAGEMENT CORPS STUDY.**

(a) FINDINGS.—Congress finds the following:

(1) Many managers seek opportunities to give back to their communities and address the Nation's challenges.

(2) Managers possess business and technical skills that make them especially suited to help nonprofit organizations and State and local governments create efficiencies and cost savings and develop programs to serve communities in need.

(3) There are currently a large number of businesses and firms who are seeking to identify savings through sabbatical opportunities for senior employees.

(b) STUDY AND PLAN.—Not later than 6 months after the date of enactment of this Act, the Corporation shall—

(1) conduct a study on how best to establish and implement a Volunteer Management Corps program; and

(2) submit a plan regarding the establishment of such program to Congress and to the President.

(c) CONSULTATION.—In carrying out the study described in subsection (b)(1), the Corporation may consult with experts in the private and nonprofit sectors.

(d) EFFECTIVE DATE.—Notwithstanding section 6101, this section shall take effect on the date of enactment of this Act.

**SA 715.** Mr. ENSIGN proposed an amendment to amendment SA 692 submitted by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; as follows:

On page 2, line 20, insert before the period the following: “which shall include crisis pregnancy centers, organizations that serve battered women (including domestic violence shelters), and organizations that serve victims of rape or incest”. These organizations must be charities within the meaning of the United States tax code.

**SA 716.** Mr. THUNE proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; as follows:

At the appropriate place, insert the following:

**SEC. —. SENSE OF THE SENATE.**

(a) FINDINGS.—The Senate finds the following:

(1) President John F. Kennedy said, “The raising of extraordinarily large sums of money, given voluntarily and freely by millions of our fellow Americans, is a unique American tradition . . . Philanthropy, charity, giving voluntarily and freely . . . call it

what you like, but it is truly a jewel of an American tradition”.

(2) Americans gave more than \$300,000,000,000 to charitable causes in 2007, an amount equal to roughly 2 percent of the gross domestic product.

(3) The vast majority of those donations, roughly 75 percent or \$229,000,000,000, came from individuals.

(4) Studies have shown that Americans give far more to charity than the people of any other industrialized nation—more than twice as much, measured as a share of gross domestic product, than the citizens of Great Britain, and 10 times more than the citizens of France.

(5) 7 out of 10 American households donate to charities to support a wide range of religious, educational, cultural, health care, and environmental goals.

(6) These charities provide innumerable valuable public services to society's most vulnerable citizens during difficult economic times.

(7) Congress has provided incentives through the Internal Revenue Code of 1986 to encourage charitable giving by allowing individuals to deduct income given to tax-exempt charities.

(8) 41,000,000 American households, constituting 86 percent of taxpayers who itemize deductions, took advantage of this deduction to give to the charities of their choice.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should preserve the full income tax deduction for charitable contributions through the Internal Revenue Code of 1986 and look for additional ways to encourage charitable giving rather than to discourage it.

**SA 717.** Ms. LANDRIEU proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; as follows:

On page 92, strike line 1 and insert the following:

“(H) A program that seeks to expand the number of mentors for youth in foster care through—

“(i) the provision of direct academic mentoring services for youth in foster care;

“(ii) the provision of supportive services to mentoring service organizations that directly provide mentoring to youth in foster care, including providing training of mentors in child development, domestic violence, foster care, confidentiality requirements, and other matters related to working with youth in foster care; or

“(iii) supporting foster care mentoring partnerships, including statewide and local mentoring partnerships that strengthen direct service mentoring programs.

“(I) Such other national service programs

**SA 718.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

In section 147(d) of the National and Community Service Act of 1990, as added by section 1404, strike “, for each of not more than 2 of such terms of service.”.

**SA 719.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

In subsection (c)(8)(B)(iii) of section 119 of the National and Community Service Act of 1990, as added by section 1204, strike “of \$500 or \$750”.

In section 147(d) of the National and Community Service Act of 1990, as added by section 1404, strike “equal to” and all that follows through the period and inserting the following: “equal to \$1,000 (or, at the discretion of the Chief Executive Officer, equal to \$1,500 in the case of a participant who is economically disadvantaged).”.

**SA 720.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 183, between lines 2 and 3, insert the following:

**SEC. 1518. ADDITIONAL CAMPUS AND REPORTING REQUIREMENT.**

(a) FLORIDA CAMPUS.—The Director of the National Civilian Community Corps under subtitle E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12611 et seq.) shall establish a campus described in section 155 of such Act (as amended by section 1505 of this Act) (42 U.S.C. 12615) for such Corps in the State of Florida.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the establishment of the campus required under subsection (a).

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Corporation for National and Community Service shall submit a report to Congress on the effectiveness of the expansion of the National Civilian Community Corps in addressing the effects of hurricanes and tropical storms in the southern region of the United States.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, March 25, 2009 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, “The Need for Transportation Investment.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FOREIGN RELATIONS**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 25, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FOREIGN RELATIONS**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 25, 2009, at 2:30 p.m., to hold a hearing entitled “Foreign Policy and the Global Economic Crisis.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, March 25, 2009, at 9:30 a.m. to conduct a hearing entitled "Southern Border Violence: Homeland Security Threats, Vulnerabilities, and Responsibilities."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Oversight of the Federal Bureau of Investigation" on Wednesday, March 25, 2009, at 9:30 a.m., in room SH-216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND  
ENTREPRENEURSHIP

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on Wednesday, March 25, 2009, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, March 25, 2009. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION OPERATIONS,  
SAFETY, AND SECURITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to hold a meeting during the session of the Senate on Wednesday, March 25, 2009, at 9:45 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Energy be authorized to meet during the session of the Senate in order to conduct a hearing on Wednesday, March 25, 2009, at 2 p.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HEALTH CARE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Health Care of the Committee on Finance will meet on

Wednesday, March 25, 2009, at 2:30 p.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 25, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. DURBIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Wednesday, March 25, 2009 from 10:30 a.m.–12:30 p.m. in Dirksen 106 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MARCH  
26, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, March 26; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; further, that following morning business, the Senate resume consideration of H.R. 1388, the national service legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, tomorrow, at 4 p.m. in room 217 of the Capitol Visitor Center, there will be a classified Senators-only briefing with Special Representative for Afghanistan and Pakistan Richard Holbrooke.

ORDER FOR ADJOURNMENT

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it stand adjourned under the previous order following the remarks of Senator BARRASSO.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BARRASSO. Mr. President, I ask unanimous consent that the period of morning business tomorrow be limited to 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 105-83, announces the appointment of the following individual to serve as a member of the National Council of the Arts: the Honorable SHELDON WHITEHOUSE of Rhode Island.

The Chair announces, on behalf of the majority leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989, as amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105-275, adopted October 21, 1998, further amended by S. Res. 75, adopted March 25, 1999, amended by S. Res. 383, adopted October 27, 2000, and amended by S. Res. 355, adopted November 13, 2002, and further amended by S. Res. 480 adopted November 21, 2004, the appointment of the following Senators as members of the Senate National Security Working Group for the 111th Congress: the Senator from Florida, Mr. NELSON, and the Senator from Connecticut, Mr. LIEBERMAN.

Mr. BARRASSO. Mr. President, I make a note that these appointments to the National Security Working Group were inadvertently left off the March 9, 2009, appointment to this group.

SENIORS MENTAL HEALTH  
ACCESS AND IMPROVEMENT ACT

Mr. BARRASSO. Mr. President, I am honored to join my colleague from Arkansas, Senator BLANCHE LINCOLN, in introducing Nos. 671, the Seniors Mental Health Access Improvement Act.

For over a decade, Senator LINCOLN has been a strong voice advocating for health care policies in the Senate that apply specifically to rural communities. I am proud to join her as we fight to ensure Medicare patients living in rural and in frontier States have access to and a choice of their mental health professionals.

The Seniors Mental Health Access Improvement Act will permit marriage and family therapists and licensed professional counselors to bill Medicare directly. These providers will then receive 75 percent of the rate that psychiatrists and psychologists receive for the same services.



I want my colleagues to know that S. 671 does not expand covered Medicare services. It would simply give Medicare patients who are living in isolated frontier States, such as Wyoming, more choices for mental health providers.

Today, approximately three-quarters of the nationally designated mental health professional shortage areas are located in rural areas. Over half of all rural counties have no mental health services of any kind. Frontier counties have even more dramatic numbers—95 percent do not have a psychiatrist, 68 percent do not have a psychologist, and 78 percent do not have a social worker. Virtually all of Wyoming is designated a mental health professional shortage area.

In Wyoming, there is a total of 474 mental health providers who are currently eligible to care for Medicare patients and bill Medicare for their services—474. Additionally, we have over 500 licensed professional counselors and 61 marriage and family therapists who are currently licensed to practice. None of them are able, at this time, to charge Medicare for the services they provide. By enacting this Seniors Mental Health Access and Improvement Act, that would more than double—more than double—the number of mental health providers available to treat seniors in my State.

Medicare patients in Wyoming are often forced to travel great distances to see mental health providers who are currently recognized by the Medicare program. To make matters even more of a challenge, rural and frontier communities have a tough time recruiting and retaining these providers—all providers but especially mental health care providers. In many small towns, a licensed professional counselor or a marriage or family therapist is the only mental health care provider in the area.

Medicare laws only compound the current situation.

Right now, only psychiatrists, clinical psychologists, clinical social workers, and clinical nurse specialists can bill Medicare for mental health services. So it is time the Medicare Program recognizes the qualifications of licensed professional counselors and marriage and family therapists. They do play a crucial role in this Nation's mental health care.

These providers go through rigorous training, and it is similar to the curriculum of a master's level social worker. They must not be excluded from the Medicare Program. I believe S. 671 is critically important to the health and the well-being of our Nation's seniors. It is time for this bill to become law.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now

stands adjourned until tomorrow at 9:30 a.m.

Thereupon, the Senate, at 6:29 p.m., adjourned until Thursday, March 26, 2009, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### DEPARTMENT OF AGRICULTURE

DALLAS P. TONSAGER, OF SOUTH DAKOTA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT, VICE THOMAS C. DORR, RESIGNED.

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PETER A. KOVAR, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE SHEILA MCNAMARA GREENWOOD.

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

MARGARET A. HAMBURG, OF THE DISTRICT OF COLUMBIA, TO BE COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE ANDREW VON ESCHENBACH, RESIGNED.

### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 14, U.S.C., SECTION 271:

#### To be rear admiral (lower half)

CAPT. ROBERT E. DAY, JR.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

#### To be major

RYAN G. MCPHERSON

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be colonel

MARK J. IVEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

#### To be colonel

PAUL L. CANNON  
GARY S. LINSKY  
STEVEN A. SCHAICK  
CHERRI S. WHEELER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

#### To be major

RICHARD EDWARD ALFORD  
ROBERT J. ANDERSON  
SONDRA A. BELL  
TAMORA L. BRIGHT  
AMY E. BRYAN  
MATTHEW D. BURRIS  
ERNEST JOHN CALDERON II  
PAOLINO M. CALIENDO  
KEVIN D. CATRON  
LINDSAY E. CONTOVEROS  
ROYAL A. DAVIS  
WILLIAM D. DEITCH  
JAMES R. DORMAN  
GLORIA A. DOWNEY  
PAUL E. DURKES  
DARREN M. EICKEN  
LISA D. FILL  
SHELLY M. FRANK  
LANCE E. FREEMAN  
NATHAN N. FROST  
THOMAS A. GABRIELE  
DARREN S. GILKES  
ANDREW D. GILLMAN  
MARLA JUDITH GILLMAN  
CORETTA E. GRAY  
PATRICIA A. GRUEN  
MARGARET L. HANNAN  
CHARLES J. HEBNER  
RYAN A. HENDRICKS  
AMBER E. HIRSCH  
BRANDON C. JAROCH  
MATTHEW T. KING  
SHANDRA J. KOTZUN  
ERIKA E. LYNCH  
JOSEPH E. MAYNAHAN  
SCOTT W. MEDLYN  
CHARLTON J. MEGINLEY  
ETIENNE J. MISZCZAK  
AIRON A. MOTHERSHED  
JASON S. OSBORNE  
BRENT P. OSGOOD  
STERLING C. PENDLETON  
STEPHAN PIEL

KEIRA A. POELLET  
JACOB A. PUGH  
MICHELLE A. QUITUGUA  
JENNIFER J. RAAB  
DREW G. ROBERTS  
DAVID ROUTHIER  
LEE F. SANDERSON  
MATTHEW G. SCHWARTZ  
DAMON P. SCOTT  
MULGHETTA A. SIUM  
DARRIN M. SKOUSEN  
TIAUNDA D. SORRELL  
JODI M. VELASCO  
WILLIAM DAVID VERNON  
TIFFANY M. WAGNER  
ELWOOD L. WATERS III  
DANIEL J. WATSON  
PAUL E. WELLING  
ROBERT C. WILDER  
DYLAN B. WILLIAMS  
RICHARD D. YOUNTS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant colonel

CHRISTOPHER B. BENNETT  
THOMAS L. CLUFF, JR.  
ROBERT C. COTTRELL, JR.  
GAIL E. CRAWFORD  
TIFFANY A. DAWSON  
ANDREA M. DECAMARA  
PATRICK J. DOLAN  
DAVID B. EBY  
MICHELE A. FORTE  
PATRICK W. FRANZESE  
KYLE W. GREEN  
CALEB B. HALSTEAD, JR.  
BRANDON L. HART  
MATTHEW T. JARREAU  
JOHN C. JOHNSON  
JAMES H. KENNEDY III  
JAMES E. KEY III  
ANTONY B. KOLENC  
KIM E. LONDON  
AMY L. MOMBER  
MATTHEW J. MULBARGER  
CHARLES D. MUSSELMAN, JR.  
KATHERINE E. OLER  
DANIEL A. OLSON  
RALPH A. PARADISO  
MICHELE A. PEARCE  
JAMES W. RICHARDS IV  
MICHAEL S. RODERICK  
THOMAS M. RODRIGUES  
ROBERT N. RUSHAKOFF  
ELIZABETH L. SCHUCHSGOPAUL  
MICHAEL W. TAYLOR  
GRAHAM H. TODD  
OWEN W. TULLOS  
TIMOTHY J. TUTTLE  
JEREMY S. WEBER  
DAVID J. WESTERN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant colonel

WILLIAM A. BARTOUL  
JAMES D. BRANTINGHAM  
DAVID L. CARR  
JOSEPH DEICHERT  
JAMES M. GLASS  
GREGORY D. JANS  
WILLIAM GERALD OSULLIVAN  
MARK W. SAHADY  
GERALD HARVEY SNYDER, JR.  
WARREN A. WATTIES  
G. LLOYD WOODBURY, JR.  
GEORGE T. YOSTRA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

#### To be major

PETER BRIAN ABERCROMBIE II  
TODD W. ABSHIRE  
MATTHEW P. ACER  
J. A. ACEVEDO  
RODER N. ACKLIN  
ADAM J. ACOCK  
OLGA L. ACOSTA  
DAVID C. ADAMS  
GREGORY M. ADAMS  
KIRK D. ADAMS  
MICHAEL J. ADAMS  
ROBERT B. ADAMS  
SCOTT L. ADAMS  
DAVID R. ADAMSON  
SUSAN M. ADAMSON  
SHILETTE M. ADDISON REED  
TONI L. AGNEW  
DIANA E. AGUILAR  
VICTOR J. AGUILAR  
JONATHAN E. AIRHART  
COREY M. AKIYAMA  
CARMELO ALAMO, JR.  
JOHN F. ALBERT  
MELISSA M. ALBLINGER  
FREDERICK V. ALDRICH  
BRIAN M. ALEXANDER  
CHARLES R. ALLEN, JR.  
JUSTIN T. ALLEN  
MATTHEW R. ALLEN

WILLIAM H. ALLEN, JR.  
MITCHELL L. ALLEY  
MAELI A. ALLISON  
RICHARD H. ALLISON  
RUSSELL P. ALLISON  
JAMES C. ALLMAN  
CLAYTON H. ALLMON  
CHRISTOPHER T. ALLRED  
RASUL S. ALSALIH  
CARL J. ALSTATT  
KEITH R. ALTENHOFEN  
JAMES D. ALVES  
PHILIP D. AMBARD  
LAWRENCE JAMES ANDERLEY  
ANTHONY W. ANDERSON  
CHRISTOPHER A. ANDERSON  
DAVID R. ANDERSON  
JASON R. ANDERSON  
JAY K. ANDERSON  
JOHN E. ANDERSON  
MARK S. ANDERSON  
PAUL D. ANDERSON  
STEPHEN P. ANDERSON  
VANESSA M. ANDERSON  
LAURA A. ANDRADE HARRISON  
JOSHUA K. ANDREWS  
MICHAEL J. ANDREWS  
MICHAEL R. ANDREWS  
SOUNDER R. ANDREWS  
STEPHEN L. ANDREWS  
CRAIG R. ANDRLE  
GLENN B. ANGELES  
SEAN D. ANGUS  
LEWIS M. ANTHONY  
ELIZABETH A. APTEKAR  
JERRETT A. ARCHER  
DANIEL J. ARKEMA  
ERIC R. ARMENTROUT  
JAMES D. ARNETT  
JIMMY W. ARNOLD  
JEFFREY J. ARSENAULT  
TIMOTHY G. ARSENAULT  
ADONIS C. ARVANITAKIS  
BRIAN D. ASCHENBRENNER  
ALFRED J. ASCOL  
JAMES T. ASHLOCK, JR.  
MARK L. ASHMAN  
JAMES E. ASKINS  
CARLOS G. ASSAF  
MATTHEW A. ASTROTH  
JAMES W. ATCHLEY, JR.  
ROBERT G. ATKINS  
JASON E. ATTAWAY  
GLENN K. AUGE  
RANDALL R. AUSTILL  
ROBERT A. AUSTIN  
ANDREW J. AVERY  
KEVIN P. AVERY  
DANNY AVILA  
ADAM H. AVNET  
ALAN B. AVRIETT, JR.  
ERIK M. AXT  
CHARLES F. AXTELL  
STEVEN J. AYRE  
SARAH S. BABBITT  
JASON R. BACHELOR  
ROBERT E. BADER, JR.  
ERIC D. BADGER  
RYAN J. BAGLEY  
DONNY LYNN BAGWELL  
CRAIG S. BAILEY  
GREGORY P. BAILEY  
MARK P. BAILEY  
BLAINE L. BAKER  
LUKE A. BAKER  
KRISTEN D. BAKOTIC  
BRIAN A. BALAZS  
KYLE M. BALDASSARI  
ERNIE J. BALDREE  
NICHOLAS J. BALDWIN  
TOBIN C. BALDWIN  
JASON W. BALES  
JOHN I. BALL  
JEFFREY M. BANKER  
MARK E. BARAN  
ROBERT P. BARAN  
CHARLEEN BARLOW  
HARLEY R. BARMORE  
GREGORY M. BARNES  
RENAE BARNES  
RICHARD D. BARNHART  
RYAN F. BARRETT  
CRAIG R. BARRINGTON  
CAIUS S. BARRON  
MARGARET L. BARRY  
DAVID K. BARTELS  
DAVE K. BARTELS  
BRENDON C. BARTHOLOMEW  
CASEY J. BARTHOLOMEW  
JEFF K. BARTLETT  
MATTHEW A. BARTLETT  
VANESSA C. BARTLEY  
AUSTIN A. BARTOLO  
KEVIN L. BASS  
CHARLES J. BASSETT III  
JAIME BASTIDAS, JR.  
KYLE C. BATE  
PAUL G. BATISH  
QUIANA M. BATTS  
JAMES D. BAUER  
GREGORY R. BAUR  
MELVIN I. BAYLON  
JIMACIE N. BEAVER, JR.  
JERRY E. BEAVER, JR.  
THERESA D. BEAVER  
TIMOTHY D. BECK  
JEFFREY R. BECKHAM

JESSICA BEDELL  
MARIA T. BEECHER  
JOHN T. BEEDE, JR.  
JONATHAN R. BEHUNIN  
BERNIE E. BEIGH  
KAY A. BEIGH  
JENNIFER B. BEISEL  
MICHAEL D. BELARDO  
ALPHONZO R. BELCHER  
JENNIFER T. BELCHER  
ZDRAVKO BELIC  
JADE A. BELL  
KIM C. BELL  
SHAUN G. BELLAMY  
JOSEPH A. BEMIS  
BRAD A. BEMISH  
TODD D. BENDER  
BRIAN J. BENJAMIN  
BENJAMIN F. BENNETT  
DAVID I. BENNETT  
NELSON P. BENNETT  
BRIAN D. BENNINGFIELD  
JOHN D. BENSON  
JOHN F. BENSON  
MARK C. BENSON  
CORY C. BENTON  
MICHAEL A. BENZA  
DEAN E. BERCK  
CHRISTOPHER J. BERGSTROM  
CHRISTIAN M. BERGHOLDT  
ALULA B. BERHANE  
ROBERT E. BERISH  
ROBERT A. BERNAZAL  
GAVIN A. BERNE  
JAMES F. BERTLING, JR.  
EDWARD J. BESTA, JR.  
MICHELE RENEE BESWICK  
ANGEL E. BETANCOURTTOYENS  
DAVID A. BETHEL  
MARK C. BETTERS  
ROLAND BEZOVICS  
WILLIAM A. BIERENKOVEN  
THOMAS E. BIERLY  
DAVID C. BILLS  
ROBERT G. BINGHAM  
BENJAMIN J. BISHOP  
JOSHUA JEFFREY BISHOP  
ERIC M. BISSONETTE  
PAULA D. BISSONETTE  
NICOLE M. BITTLE  
ERIC R. BIXBY  
ANDREW H. BLACK  
JOHN D. BLACKMAN  
JASEN B. BLACKSBURG  
KIP D. BLACKWELL  
MICHAEL J. BLAIR  
CHARLOTTA D. BLALOCK  
TIMOTHY A. BLANK  
JEFFREY A. BLANKENSHIP  
JAMES S. BLAZAKS  
JASON E. BLEVINS  
MICHAEL R. BLISS  
ANQUENETTA BLOUNT  
DARRELL A. BOARD  
TIMOTHY R. BORINSKI  
ALLEN D. BOETTCHER  
BRIAN W. BOETTGER  
YULANDA J. BOGANY  
CHRISTOPHER J. BOILEAU  
SEAN BOLDT  
ROBERT L. BOLES  
JOEL ANDREW BOLINA  
KENT D. BOLSTER  
STEVEN J. BOLSTER  
DOUGLAS W. BONARO  
WILLIAM H. BONES  
JOSEPH M. BONNER  
TIMOTHY E. BOOK  
JOSEPH S. BOOTH  
STEPHEN F. BOOTH  
DAVID A. BOPP  
THOMAS P. BORREGO  
RAFAEL A. BOSCH  
GREGORY D. BOSCHERT  
DEREK M. BOUGHNER  
YVETTE K. BOURCICOT  
GRAHAM W. BOUTZ  
CHAD T. BOWDEN  
JONATHAN D. BOWEN  
RICHARD J. BOWER  
DANIEL S. BOWES  
THOMAS R. BOWMAN  
ROSS T. BOWN  
CHRISTOPHER D. BOYD  
RONALD G. BOYD  
DAVID A. BOYER  
THOMAS H. BOYLE  
WILLIAM L. BOYLES, JR.  
MICHAEL M. BOYNTON  
DAVID J. BOYTIM  
THOMAS R. BOZUNG  
DENVER M. BRAA  
DAWN P. BRACKROG  
ANDRE R. BRADLEY  
PATRICK L. BRADYLEE  
BRIAN A. BRAGG  
WILLIAM D. BRAGG  
BRADLEY L. BRANDT  
RICARDO S. A. BRAVO  
CHRISTOPHER T. BRAY  
COLE L. BRAY  
MICHAEL P. BRAZDA  
CHRISTOPHER J. BRECHEISEN  
ALISON P. BREENEN  
CHRISTOPHER W. BREFFITT  
LANCE M. BRENNKE  
ADAM C. BRIGHT

JUSTIN E. BRIGHT  
SHANNON E. BRILL  
BURTON G. BRINKER  
ERIC R. BRINKMAN  
MICHAEL T. BROCKBANK  
ABDULLAH A. BRODIE  
BENTLEY A. BROOKS  
ROBERT J. BROOKS  
TROY J. BROSKOVETZ  
AHAVE E. BROWN, JR.  
BENJAMIN P. BROWN  
DANIEL J. BROWN  
DAVID M. BROWN  
JOEL N. BROWN  
JON C. BROWN  
KIRK C. BROWN  
MICHAEL W. BROWN  
DAVID A. BRUCE  
SEAN P. BRUCE  
STEVEN P. BRUMMITT  
JOHN S. P. BRUNNER  
ELAINE M. BRYANT  
MICHAEL T. BRYANT  
TRACEY A. BRYANT  
PARKIN C. BRYSON  
DOCIA A. BUCHANAN  
JESSICA F. BUCHTA  
AARON R. BUCK  
CHRISTOPHER J. BUCKLEY  
BRIAN J. BUDDIE  
RYAN P. BUDINKO  
DAVID C. BUDZKO  
CHRISTOPHER J. BUECHLER  
JAMES J. BUSSING, JR.  
LAURA M. BUNYAN  
JONATHAN R. BURD  
DARIUS E. BURDEN  
ROBERT A. BURDETTE  
JAMES L. BURGESS  
JEREMIAH J. BURGESS  
JOSHUA D. BURGESS  
SIERA C. BURGESS  
AARON J. BURKE  
ANN M. BURKS  
KRISTINA C. BURNE  
BRIAN S. BURNHAM  
JAYDEE A. BURNS  
WILLIAM ROBERT BURNS  
ANDREW L. BURROUGHS  
ERIC B. BURROUGHS  
JASON F. BURROUGHS  
JONATHAN J. BURSON  
TRAVIS A. BURTON  
MATTHEW L. BUSCH  
RICHARD J. BUSH  
ROGER L. BUSHORE  
JOHN D. BUSKE  
DEBRA L. BUTLER  
JOSEPH M. BUTRYN  
CHRISTOPHER K. BUTTS  
RODERIC K. BUTZ  
KEVIN W. BYRD  
MALCOLM M. BYRD  
JAMES M. BYRNE  
EDWIN R. BYRNES  
JOSE L. CABRERA  
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 BRENT A. ROCKOW  
 FELICIA A. RODDA  
 AUGUSTO RODRIGUEZ APONTE  
 ANIBAL J. RODRIGUEZ  
 JULIO E. RODRIGUEZ  
 JOSEPH W. ROE  
 KATHRYN N. ROMAN  
 NICHOLAS A. ROMANO  
 RYAN D. ROMANO  
 JULIUS C. ROMASANTA  
 MICHAEL A. ROMERO  
 CHRISTOPHER G. RONESS  
 BOBBY L. ROPER  
 BYRON R. ROSE  
 JAMES P. ROSE  
 JEREMY M. ROSE  
 JASON J. ROSS  
 JEREMY M. ROTH  
 BRADLEY A. ROTHWELL  
 NELSON D. ROULEAU, JR.  
 JONAH J. ROUSE  
 JARON H. ROUX  
 NATHAN P. ROWAN  
 JEFFREY S. ROWSEY  
 STEVEN M. ROYCE  
 DONITA K. RUEHS  
 JAY L. RUESCHHOFF  
 MARK D. RUIZ  
 ERIK M. RUSSELL  
 JONATHAN E. RUSSELL  
 MATTHEW C. RUSSELL  
 ROBERT M. RUSSELL  
 NICHOLAS G. RUTGERS  
 JAMES M. RYAN  
 LISA B. RYAN  
 SCOTT B. RYAN  
 WESLEY C. RYAN  
 DOUGLAS S. SAAB  
 FRANCIS M. SAAVEDRA  
 ANNE M. SABLATURA  
 CHRISTOPHER J. SAETTEL  
 DENNIS R. C. SAGUN  
 JOSEPH J. SAILER  
 STEVEN SAKS  
 ANTONIO V. SALAZAR  
 BRADLEY A. SALMI  
 ABRAHAM D. SALOMON, JR.  
 JOHN R. SALTER  
 ANTHONY JONES SAMPSON  
 MICHAEL J. SANDER  
 GEORGE B. SANDERLIN  
 CHRISTOPHER D. SANDERS  
 MICHAEL E. SANKEY  
 MARK H. SANTASIERO  
 DANIEL J. SANTORO  
 SARAH C. SANTORO  
 JARED M. SANTOS  
 JENNIFER L. SARACENO  
 FELICIA SARGENT  
 TRACI A. SARGENT  
 MATTHEW P. SATTILIER  
 GREGORY M. SAVELLA II  
 ALEXANDER SAYRE  
 MICHAEL J. SCALES  
 ALBERT F. SCAPELOTTO, JR.  
 JOHN N. SCARLETT  
 LAVONDRAS CARVER  
 JOSHUA M. SCHAAD  
 ERIC A. SCHAFER  
 HENRY B. SCHANTZ  
 MATTHEWS C. SCHARCH  
 NATHAN A. SCHAERMANN  
 JASON W. SCHENK  
 DANIEL E. SCHERDT  
 RICHARD B. SCHERMER  
 JACOB D. SCHERRER  
 EDWARD J. SCHERBERL  
 BENJAMIN J. SCHILL  
 DYANN L. SCHILLING  
 JAMES L. SCHLABACH  
 ANTHONY T. SCHMIDT  
 ERIC W. SCHMIDT  
 JAYSON H. SCHMIEDT  
 ASHLEY L. SCHMITT  
 KENNETH B. SCHNEIDER  
 LUKE J. SCHNEIDER  
 MATTHEW R. SCHNELL  
 PETER J. SCHNOBRICH  
 JACK M. SCHROEDER  
 MICHAEL D. SCHROEDER  
 MICHAEL R. SCHROER  
 JEFFREY J. SCHRUDT  
 PATRICK J. SCHULDT  
 JOHN K. SCHULTZ  
 MARY K. SCHULTZ  
 CLINTON P. SCHULZ  
 TROY D. SCHULZ  
 EVELYN A. SCHUMER  
 MATTHEW A. SCHUTT

MICHAEL D. SCHUYLER  
 RANDY D. SCHWINLER  
 MICHAEL J. SCIANNA  
 AMY N. SCOTT  
 ANDREW C. SCOTT  
 BRIAN G. SCOTT  
 DAVID R. SCOTT  
 ELIZABETH H. SCOTT  
 JANICE BARKER SCOTT  
 MATTHEW A. SCOTT  
 DAVID H. SCROGGINS  
 CHRIS W. SEAGER  
 BRIAN L. SEALOCK  
 JOHN E. SEBESTA  
 PAUL J. SEBOLD  
 LUIS A. SEGURA  
 KENNETH C. SEIVER  
 JAMES M. SELL  
 MICHAEL J. SELLERS  
 TAPAN SEN  
 ERIC G. SENG  
 MICHAEL C. SERE  
 DANIEL F. SEVIGNY  
 RICHARD S. SEYMOUR  
 BRANDON G. SHADE  
 ROBERT R. SHALLENBERGER  
 PAUL A. SHAMY  
 BRENDAN M. SHANNON  
 STACEY L. SHAUL  
 CHRISTA M. SHAYERS  
 BILLY SHAW  
 DENISE A. SHEA  
 PAUL E. SHEETS  
 JOHN D. SHELL  
 GARON L. SHELTON  
 ADAM C. SHICKS  
 ANDY C. SHIELDS  
 ARTHUR A. SHIELDS, JR.  
 NENGWEI T. SHIH  
 JONATHAN L. SHILL  
 KENNETH W. SHINN  
 DAN J. SHINOHARA  
 ROBERT J. SHIPP, JR.  
 KENNETH M. SHIPLEY  
 WILLIAM J. SHINOWSKY  
 JEREMIAH A. SHOCKLEY  
 LEONARD M. SHORES III  
 DEREK L. SHOWERS  
 ROBERT E. SHRADER  
 JOY M. SHUCK  
 THEODORE J. SHULTZ  
 ANDREW J. SHURTLEFF  
 MATTHEW P. SICOLA  
 ROBERT A. SIDES  
 MICHAEL V. SIEBERT  
 JASMIN SILENCE  
 JAMES D. SILVA  
 PHILLIP H. SILVA  
 CHARLES R. SILVANI, JR.  
 ERIC L. SILVER  
 LAWRENCE T. SILVERMAN  
 MARK D. SILVIUS  
 JESUS T. SIMENTAL  
 JASON W. SIMMONS  
 TERRY B. SIMONTON  
 DAVID W. SIMPSON  
 BRIANA J. SINGLETON  
 LOGAN B. SISSON  
 JENNIFER J. SITZ  
 CHAD S. SITZMANN  
 BETHANY L. SLACK  
 DENNIS H. SLADE  
 LORENZO SLAY, JR.  
 MARK ANDREW SLETTEN  
 MARK A. SLIK  
 NISHAWN S. SMAGH  
 CLAYTON A. SMALL  
 PATRICK H. SMILEY  
 KRISTOFFER SMITH RODRIGUEZ  
 ANDREW R. SMITH  
 ANTHONY T. SMITH  
 BRIAN C. SMITH  
 CHRISTOPHER D. SMITH  
 CHRISTOPHER K. SMITH  
 JAMES M. SMITH  
 JASON M. SMITH  
 JEFFREY A. SMITH  
 JEFFREY D. SMITH  
 JEFFREY T. SMITH  
 JEREMY J. SMITH  
 JESSE L. SMITH  
 JIMMY L. SMITH  
 JONATHAN R. SMITH  
 MARTY T. SMITH  
 PAUL E. SMITH  
 TREVOR K. SMITH  
 VINCENT B. SMITHS  
 PATRICK S. SMYTH  
 DOUGLAS A. SNEAD  
 LESLIE R. SNODGRASS, JR.  
 KEITH H. SNOOK, JR.  
 JOSEPH F. SNYDER  
 STAN L. SOCHA  
 BRANDON H. SOKORA  
 NEIL A. SOLIMAN  
 WALTER J. SORESEN  
 KEVIN J. SORRELS  
 THEODORE J. SOTOROPOLIS  
 SHAWN T. SOUTH  
 CHRISTOPHER L. SPANGENBERG  
 JOHN A. SPEAR  
 MATTHEW R. SPEARS  
 ALLEN M. SPECHT  
 JOHN R. SPEER  
 ROBERT E. SPEER  
 DARREN W. SPENCER

JONATHAN S. SPENCER  
 CHRISTOPHER J. SPLEES  
 BRIAN L. SPLIETHOF  
 HUGH P. SPONSELLER  
 SIDNEY S. SQUIRES  
 BRIAN D. SROUFE  
 ANGELO A. STAAQUEDA  
 NATHAN R. STACKHOUSE  
 THOMAS C. STADY  
 BRIAN T. STAHL  
 JAN H. STAHL  
 DAVID I. STAMPS  
 CHRISTINE STANABACK  
 MATTHEW S. STANFORD  
 JOSEPH M. STANGAL  
 FREDERICK M. STANLEY  
 KEVIN B. STANLEY  
 WESLEY B. STARK  
 JOHN G. STAUDT III  
 WILLIAM S. STAYBERG  
 MICHAEL R. STEELE  
 KRISTY D. STEENBERGE  
 JAMES L. STEFF, JR.  
 SCOTT J. STELL  
 ERIK J. STENGEL  
 CHANSE D. STEPHENS  
 DARRYLE STEPHENS  
 GRADY C. STEPHENS  
 BRETT L. STEVENS  
 DWAIN A. STEVENS  
 JON B. STEVENS  
 WILLIAM E. STEVENS  
 GERALD A. STEVENSON  
 ANGELA G. STEWART  
 STERLING M. STEWART  
 JONATHAN U. STICKA  
 TODD M. STINCHFIELD  
 SAMUEL CLAIRE STITT  
 ANDREW P. STOCKMAN  
 JAMES E. STODDARD  
 JIM A. STOKMAN  
 TARA R. STORCH  
 KENNETH A. STREMMEL  
 MARLON J. STRICKLAND  
 DEREK A. STRUNK  
 RANDY N. STUBBS  
 MARK P. SULLIVAN  
 SHAYNE M. SULLIVAN  
 WILLIAM A. SULLIVAN  
 DANIEL SUSICH  
 JUSTIN L. SUTHERLAND  
 ROSS H. SUTHERLAND  
 CHRISTOPHER D. SUZZI  
 STEPHEN T. SWAIN  
 WILLIAM K. SWAIN  
 NICHOLAS J. SWEENEY  
 SCOTT R. SWEENEY  
 ROBERT G. SWIECH  
 TOBIAS B. SWITZER  
 JOHN A. SVC  
 ANTHONY SYLVAIN  
 MICHAEL R. SYNAKIEWICZ  
 STEVEN SYNGAJEWSKI  
 MEGHAN M. SZWARC  
 LARRY C. TANKSLEY, JR.  
 TONI J. TANNER  
 FRANK A. TARAVELLA  
 ERIK M. TARNANEN  
 REGINA J. TATE  
 APRILE M. TAYLOR  
 CRAIG A. TAYLOR  
 JEFFREY L. TAYLOR  
 LATRESE M. TAYLOR  
 RAY CURTIS TAYLOR III  
 RYAN T. TAYLOR  
 SCOTT M. TAYLOR  
 TRACY L. TAYLOR  
 WILLIAM W. TAYLOR, JR.  
 JASON M. TEAGUE  
 TREMAINE N. TEASLEY  
 AARON H. TELTSCHIK  
 DOUGLAS D. TEMPLETON  
 LAURA C. TERRY  
 NATHAN B. TERRY  
 JAMES I. THACKER  
 KEVIN F. THACKER  
 RAYMOND R. THALER  
 JOHN C. THARP  
 KENNETH J. L. THEIS  
 ERIC D. THERIAULT  
 LIZA MOYA THERIAULT  
 ALISA M. THOMAS  
 JAY C. THOMAS  
 MARK C. THOMAS  
 MATTHEW H. THOMAS  
 MICHELE L. THOMAS  
 RONALD L. THOMAS  
 STEVEN J. THOMAS  
 TROY D. THOMAS  
 SCOTT THOMASON  
 JOHN W. THOMPSON  
 ALICIA M. THOMPSON  
 ERIC D. THOMPSON  
 HARLEY P. THOMPSON  
 JASON I. THOMPSON  
 JEFFREY R. THOMPSON  
 NATHAN A. THOMPSON  
 WILBUR L. THOMPSON  
 JACOB M. THORNBURG  
 JOHN G. THORNE  
 THOMAS M. THORP  
 CRAIG A. THORSTENSON  
 LINDA R. THORSTENSON  
 CHARLES D. THROCKMORTON IV  
 ROBERT S. THROWER  
 ROBERT M. THWEATT  
 ANTHONY L. TILLMAN

MATTHEW P. TINKER  
 BRYAN M. TITUS  
 MICHAEL J. TKACZ  
 JAMES P. TOBIN  
 CHRISTOPHER J. TODARO  
 SAMUEL M. TODD  
 JOHN D. TOLK, JR.  
 TYLER C. TOLLMAN  
 TONI J. TONES  
 CHRISTOPHER A. TOOMAN  
 AARON O. TORCZYNSKI  
 MARC A. TOROSIAN  
 JENNER M. TORRENCE  
 ANTONIO J. TORRES  
 CONSTANCIO C. TORRES  
 NICHOLAS A. TORRES  
 BRENT J. TOTH  
 MICHAEL R. TOTH  
 ROBERT C. TOURNAY  
 PAUL P. TOWNSEND  
 MARK A. TOZER  
 TODD E. TRACY  
 BRIAN E. TRAINOR  
 KIMBERLY L. TRAMMELL  
 FELIX D. TRAN  
 BRYAN E. TRINKLE  
 PETER A. TRITSCH, JR.  
 JOHN M. TRODDEN  
 DAVID P. TROUT  
 MATTHEW R. TROVINGER  
 JOHN L. TRUEBLOOD  
 ANTHONY A. TRUETTE  
 TRAVIS C. TRUSSELL  
 ALLAN Z. TUCKER  
 ERIC A. TUCKER  
 WILLIAM D. TUCKER  
 JODY DAN TURK  
 MICHAEL A. TURNBAUGH  
 MELVIN D. TURNER, JR.  
 SHALIN G. TURNER  
 JOSEPH C. TURNHAM  
 DENNIS R. TURRIFF  
 JOSHUA L. TYLER  
 WILLIAM A. TYNION  
 MICHAEL J. TYSON  
 CHRISTOPHER A. ULIBARRI  
 CLIFFORD P. ULMER  
 MICHAEL A. ULSH  
 BRYAN T. UNKS  
 NICHOLAS D. UNRUH  
 EMILIO J. URENA  
 LUKE M. URISH  
 BRIAN M. VALLESE  
 KEVIN WILLIAM VAN STONE  
 BRIAN H. VANCE  
 KEVIN L. VANCE  
 DAVID ALLEN VANPELT  
 MARK F. VANWEEZENDONK  
 ADRIAN J. VANWERT  
 CHRISTOPHER F. VARANI  
 JENNIFER L. VARGA  
 RAFAEL A. VARGASFONTANEZ  
 PETER S. VARNEY  
 MARC A. VASSALLO  
 WILLIAM J. VAUSE  
 FRANCISCO VEGA  
 JOHN G. VELAZQUEZ  
 JOHN P. VERBANICK  
 JEREMY D. VERBOUT  
 MARIO VERRETT  
 BRIAN P. VESEY  
 ROBERT D. VIDOLOFF  
 CHRISTINA DUNN VILE  
 ALAN T. VILLANUEVA  
 CIRIACO M. VILLARREAL  
 DAVID W. VILLARREAL  
 DANIEL J. VISOSKY  
 GREGORY S. VOELKEL  
 GEORGE N. VOGEL  
 ROBERT A. VOLESKY  
 SETH K. VOLK  
 MATTHEW R. VOLLKOMMER  
 PAUL VON HACKER III  
 TODD C. VONINS  
 DAMON C. VORHEES  
 GREGORY W. VOTH  
 JAMIE M. WADE  
 EDWARD R. WAGNER  
 TORREY J. WAGNER  
 ETHAN M. WAITTE  
 CHARLES B. WALBECK  
 AARON D. WALENGA  
 SCOTT T. WALKER  
 TOBY LOUIS WALKER  
 TODD A. WALKER  
 WAYNE W. WALKER  
 CAROLYN J. WALKOTTE  
 KIMBERLY Y. WALLACE  
 KYLE O. WALLACE  
 LONZO E. WALLACE  
 TRACI L. WALLACE  
 WILLIE B. WALLACE III  
 DANIEL P. WALLICK  
 DON E. WALPOLE  
 MICHAEL M. WALSH  
 LEON H. WALTIS, JR.  
 TERRY L. WANNER, JR.  
 BARTLEY J. WARD  
 JASON T. WARD  
 THOMAS C. WARD  
 WILLIAM C. WARD  
 DAVID M. WARE  
 TERESA M. WARMAN  
 DOUGLAS M. WARREN  
 GARY D. WARREN  
 THOMAS C. WASHBURN  
 DAVID L. WASHER

MARK R. WASS  
 ANA C. WATKINS  
 GEORGE R. WATKINS  
 WARREN B. WATKINSON II  
 JOSEPH C. WATSON  
 DAVID T. WATTS  
 JEFFERY C. WATTS  
 NEAL A. WATTS  
 CEDRIC D. WEATHERLY  
 CHRISTOPHER J. WEATON  
 RYAN F. WEAVER  
 STEPHANIE L. WEAVER  
 DAVID L. WEBB  
 JEFFREY S. WEBB  
 JONATHAN C. WEBB  
 KEVIN M. WEBB  
 ROBERT D. WEBB  
 DAVID B. WEBER  
 REX C. WEBER  
 DARREN P. WEES  
 THOMAS F. WEGNER  
 WILLIAM L. WEIFORD III  
 KARL WEINBRECHT  
 MATTHEW R. WEINSCHENKER  
 RACHEL A. WEIS  
 JOHN S. WELCH  
 PHILIP M. WELCH IV  
 ERICK O. WELCOME  
 CHRIS T. WELLBAUM  
 JOSEPH R. WELLMAN  
 RYAN L. WELLMAN  
 JAMES E. WELLS  
 JEREMY W. WELLS  
 RACHEL A. WELLS  
 STEWART B. WELLS  
 FRANK W. WELTON  
 REBECCA M. WELTON  
 KEVIN D. WENGER  
 JOSHUA WENNRICH  
 JASON A. WENTZEL  
 JASON E. WEST  
 MICAH L. WEST  
 JOSHUA A. WESTBY  
 KRISTEN E. WESTBY  
 BRIAN E. WESTER  
 BRENDON MICHAEL WEYGANDT  
 DARIN P. WHEELER  
 NEIL D. WHELDEN  
 AMALIA F. WHITE  
 ANTHONY D. WHITE  
 DOUGLAS W. WHITE  
 JOSEPH R. WHITE  
 JUSTIN D. WHITE  
 KEVIN R. WHITE  
 TERRY J. WHITE  
 WILLIAM P. WHITE  
 MICHELLE M. H. WHITFIELD  
 JACKSON M. WHITING  
 STUART D. WHITNEY  
 JOSEPH E. WHITTINGTON, JR.  
 KEVIN W. WIERSCHKE  
 GEORGERECEO J. WIGFALL  
 JACOB A. WILCOX  
 JASON W. WILD  
 BRIAN D. WILDER  
 DANIEL C. WILKINSON  
 WILLIAM J. WILKINSON  
 DAMON L. WILLE  
 DANIEL J. WILLEMS  
 SHAUN M. WILHITE  
 ANDREW M. WILLIAMS  
 BRANDON G. WILLIAMS  
 CAMERON S. WILLIAMS  
 CHRISTOPHER L. WILLIAMS  
 DANIEL L. WILLIAMS  
 DAVID S. WILLIAMS  
 JAMES E. WILLIAMS  
 JASON EDWARD WILLIAMS  
 KIMBERLY A. WILLIAMS  
 DALE A. WILLIQUETTE  
 DANIEL P. WILLISON, JR.  
 CARL C. WILSON  
 DAVID I. WILSON  
 ERIC W. WILSON  
 MARCUS D. WILSON  
 RICHARD G. WILSON  
 APRIL L. WIMMER  
 SHEENA L. WINDER  
 PAUL G. WINKA  
 JAMES M. WINNING  
 BRAD C. WINTER  
 MICHAEL J. WINTER  
 DOUGLAS R. WITMER  
 DAVID R. WITT  
 RANDOLPH B. WITT  
 BRYAN M. WOJCIK  
 BENJAMIN B. WOLF  
 JAMES D. WOMBLE  
 DICK WONG  
 BRIAN V. WOOD  
 CHRISTOPHER C. WOOD  
 JOSHUA T. WOOD  
 RYAN E. WOOD  
 NICHOLAS S. WOODROW  
 CHARLES S. WOODS  
 TANNER G. WOOLSEY  
 RICHARD H. WORCESTER  
 RYAN L. WORKMAN  
 CHRISTOPHER M. WRIGHT  
 DAVID R. WRIGHT  
 DAVID T. WRIGHT  
 NORMAN P. WRIGHT  
 PAUL B. WURSTER  
 BRETT M. WYATT  
 TOMMY N. WYATT  
 REID J. WYNANS  
 SHAZAD YADALI

NICHOLAUS A. YAGER  
 JARED Y. YAMASHIRO  
 SEAN E. YARBROUGH  
 MARK L. YARIAN  
 NICHOLAS R. YATES  
 ROWDY E. YATES  
 CARRICK O. YAWS  
 WENDELL J. YEAGER  
 CHRISTOPHER A. YEATES  
 STEVEN D. YELVERTON  
 CHRISTIAN C. YERXA  
 JADE N. YIM  
 JOHN F. YOHN, JR.  
 BENJAMIN R. YOSFAN  
 MARK T. YOUKEY  
 ERICH W. YOUMANS, JR.  
 ROBERT M. YOUNG  
 RONNIE B. YOUNG  
 LEONARDO J. YUQUE  
 AARON N. ZASTROW  
 EVER O. ZAVALA  
 DAVID E. ZEYTOONJIAN  
 ERIC D. ZION  
 MICHAEL E. ZISKA  
 ERIC J. ZUHLSDORF

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be major*

VICTOR J. TORRES-FERNANDEZ

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

#### *To be lieutenant colonel*

JOSEPH ANGERER  
 KRIS ATTARIAN  
 ALLEN BARNES  
 NANCY E. BLACKER  
 JAMES M. BROWN  
 JOYCE M. BUSCH  
 KERRY H. COSTELLO  
 JOHN R. FERGUSON  
 SCOTT R. GRANT  
 ROBERT J. HARDING  
 BEN H. HARVEY  
 MIKE W. KIMBERLY  
 JON S. LEAHY  
 TIMOTHY J. LEITCH  
 RICHARD A. MILLER  
 MARK J. MOONEY  
 KARL A. MORTON  
 YOULANDA NIETO  
 MARYANN C. OTTO  
 DAVID F. SLATER  
 JAMES W. SOBOLESKI  
 MICHAEL D. STROZIER  
 OMAR E. THONDIGUE  
 PATRICIA E. TILSON  
 JEFFREY J. TOUSIGNANT  
 JEFFREY W. WILLIAMS  
 JOHN D. WILLIAMSON

#### *To be major*

RUBEN N. ABREU  
 RIDELIS D. AGBOR  
 DWYKE A. BIDJOU  
 TODD W. BURNLEY  
 JAMES A. CHARTERS  
 BRIAN A. CHESSER  
 JOHN T. COBBS  
 MARTIN L. CROUSE  
 DIEGO DAVILA  
 HOWARD R. DAVIS  
 JOHN G. DEAN  
 ANDREW T. DEPONAI  
 RAYMOND DIAZ  
 JOHN A. DUDA  
 SAMUEL J. DUNCKHORST  
 DARRELL FAIRLEIGH  
 JERRY J. FOGG  
 MICHAEL D. GERGEN  
 CURTIS A. GIBSON  
 COURTNEY L. GLASS  
 ROBERT T. GRIFFIN  
 MATTHEW D. HALEY  
 JESSE K. HARRIS  
 STEVEN J. HILDEBRAND  
 WILLIAM R. HOGAN  
 ERIC E. JOHNSON  
 GLENN N. JUMAN  
 DAVID K. LAW  
 JIN H. LIM  
 CHRISTOPHER J. LOMBARDI  
 AMBRO MARTIN  
 SHAWN P. MCCLAIN  
 JOHN A. MILLER  
 JEFFREY S. MILLS  
 KEITH L. NELSON  
 TONY A. OWENS  
 EDWIN J. QUIMBY  
 MARK A. QUIRE  
 YOKEITHA A. RAMEY  
 DANFORTH J. RHODES  
 KERRY V. ROBERTS  
 FEDERIC RODRIGUEZ  
 ERIC F. RUSSELL  
 IMMANUEL B. SAMSON  
 CHRISTOPHER L. SMITH  
 TODD C. SMITH  
 JOSHUA W. STEWART

SCOTT D. STEWART  
CHRISTOPHER B. TEAGUE  
TRAVIS O. TRAYLOR  
BRIAN T. UNGERER  
ALLEN R. VOSS  
JOHN C. WALLACE  
JOHN F. WEBB  
WILLIAM S. WEST  
ADRIAN H. WHEELER  
JOHN H. WOODCOCK  
RICHARD WULFF  
MATTHEW J. YANDURA

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

TED R. BATES  
DIRON J. CRUZ  
PETER M. MENICUCCI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

JOHN M. DIAZ  
MICHAEL D. MURRAY  
LAVORE L. RICHMOND, JR.

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

LUISA SANTIAGO  
YEVGENY S. VINDMAN

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

*To be colonel*

RANDALL W. COWELL

*To be lieutenant colonel*

TILDON K. ALLEN  
DAVID A. BARSNESS  
THOMAS M. BLUNTZER  
TIMOTHY J. BURKE  
WILLIAM R. CAMPBELL  
WILLIAM K. CANTRELL  
FERMAN G. CEPEDA  
CLIFFORD K. CRAWFORD  
SAMMIE L. DAVIS  
SHAWN R. DENNY  
ELIZABETH L. DEVANY  
CEDRIC S. DOLMAN  
GRANT EDWARDS  
PHILIP D. FORSBERG  
CHRISTOPHER B. GINTHER  
VAUGHN M. GRIZZLE  
TERESA F. HALL  
TIMOTHY R. HARDISON  
STEPHEN H. HARMON  
MICHAEL C. HILL  
DAVID W. JOHNSON  
LEON JONES  
THOMAS P. KNOTT  
JOHN N. MAHINES  
RICHARD J. MCNORTON  
ANDREW J. MCVEIGH  
ROY E. MOSHER  
MARK D. MUMM  
LLOYD M. NATHAN  
PAUL A. NOCE  
DANIEL P. O'CONNELL  
PABLO O. PAGAN  
STANNON M. PEDERSON  
KEITH L. POYNOR

RAUL A. RIVERA  
DYLESTER SCOTT  
HAROLD J. TARPLEY  
MARC C. THOMPSON  
WILLIAM E. TINER  
DONALD S. TRAVIS  
SCOTT T. WALES  
GEORGE C. WASHINGTON  
ELIZABETH L. YARBROUGH

*To be major*

ALBERT A. AUGUSTINE  
THOMAS D. BAKER  
LESLIE L. BALFAQH  
STEVEN A. BESEDA  
CRAIG J. BONDRA  
GARY W. BROCK  
COURTNEY R. BROOKS  
BENJAMIN W. BUCHHOLZ  
RODNEY D. CAIN  
HOWARD D. CARPENTER  
SHANE M. CARPENTER  
JOSEPH B. CORCORAN  
SCOTT A. CRUMP  
ANDRE W. DANCY  
VENDECK M. DAVIS  
ROBYN R. DEATHERAGE  
CURTIS L. DECKER  
CHRISTOPHER DELOSSANTOS  
GEORGE L. DEUEL  
GARRY DODARD  
CHRISTOPHER B. EMERY  
ALLAN J. FEHR  
PAUL E. FRITZ  
KIMBERLY K. FUHRMAN  
JAMES J. GERRITY  
RANDALL D. GRIGG  
KARSTEN J. HAAKE  
JEREMY P. HALL  
SHEILA HENDERSON  
MICHAEL C. HERRERA  
DAVID K. HOWE  
KEITH JACKSON  
CHRISTOPHER D. JESELINK  
DOUGLAS A. KCKEWAN  
QUINT A. KLOPFLEISCH  
MICHAEL LEWCZAK  
BARRETT D. LYNCH  
ROBERT S. MATHEWS  
RYAN M. MCCABE  
LAURA L. MCGUNAGLE  
NATHANIEL C. MIDBERRY  
DAVID M. MILLER  
JOEL R. MITCHEM  
GARRY G. MORRIS  
JOSHUA J. MUNCH  
TONY A. OWENS  
MICHAEL J. PAPP  
EDWARD L. PEARCE  
DONALD J. PETERSON  
ROBERT E. PETTY  
MARCIA M. PIERCE  
KELDA S. PITTMAN  
BUECHELLE O. PORTER  
THOMAS A. PRIEVE  
GREGORY RIVERA  
DUCAN S. ROBINSON  
DALE A. ROBISON  
ROBERT B. RODEFER  
GREGORY M. ROGERS  
EDWARD K. ROWSEY  
DANIEL L. SALISBURY  
MARC S. SAPHIR  
LAMAL SHEPPARD  
DERREN M. SIGLOCK  
MICHAEL M. SMALL  
JOHN D. STAHL  
SCOTT STEWART  
CHRISTOPHER B. TEAGUE  
DAVID C. THOMAS  
ERIC S.M. THOMPSON  
BOGDAN T. TOCARCIUC

TIMOTHY J. TREAT  
THOMAS C. VECE  
KEVIN L. WASHINGTON  
PATRICK S. WICKER  
DUANE M. WILLIAMS  
TUWANDA F. WILLIAMS  
DENNY L. WINNINGHAM  
JOHN H. WOODCOCK  
DANIEL M. ZERBY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

ALBERT J. ADKINSON  
JOHN C. BOYD  
HENRY C. CASON  
GERALD T. CATRETT  
JAMES S. CHASE  
DEBORAH W. COLEMAN  
WILLIAM E. CRANE  
JOHN M. EPPERLY  
MICHAEL D. FRANCE  
ROBERT N. HIBBETT  
WALTER L. MERCER  
RICHARD J. NORIEGA  
JEFFREY S. TIPTON  
MARK A. TOPLIKAR  
JASPER B. VARN III  
WILLIAM E. WYNNS, JR.

*In the Navy*

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be commander*

CHRISTOPHER G. CUNNINGHAM  
HENRY J. ZIELINSKI

*To be lieutenant commander*

RICHARD C. BALTIERRA  
CHRIS M. COGGINS  
JEFFREY S. DAVIS  
RICHARD C. ERICKSON  
SYLVESTER FREDERICK  
TYLER H. LIPPERT  
KEVIN A. MORGAN  
GEORGE M. TURNER  
SELVIN A. WHITE  
CHRISTOPHER A. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

*To be lieutenant commander*

JANET L. JACKSON  
VINCIRENA PALMORE  
TODD M. SULLIVAN

## CONFIRMATION

Executive nomination confirmed by the Senate, March 25, 2009:

DEPARTMENT OF JUSTICE

DAVID S. KRIS, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.